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HOUSE JOURNAL
OF THE
Extraordinary Session
OF THE
Twenty-third Legislative
Assembly
OF THE
STATE OF MONTANA

Held at Helena, the Seat of Government of Said State,
commencing November 27, 1933 and
ending January 19, 1934

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OFFICERS AND MEMBERS

OF THE

Twenty-third Extraordinary Legislative Assembly of the State of Montana

Governor, F. H. COONEY

ROBERT PAULINE, President of the Senate Pro Tem

Speaker of the House, DENNIS A. DELLWO

STATE SENATORS

NAME	Residence	County	Politics
*Angvick, Lars	Reserve	Sheridan	Republican
Armstrong, Bert B.	Livingston	Park	Democrat
*Burr, Geo. A.	Winnett	Petroleum	Democrat
*Campbell, John L.	Missoula	Missoula	Republican
Carey, Emmett	Glendive	Dawson	Republican
Carroll, L. Ray	Roundup	Musselshell	Republican
Church, W. R.	Helena	Lewis & Clark	Democrat
†Clarke, Walter E.	Forsyth	Rosebud	Republican
Clifford, Frank H.	Havre	Hill	Democrat
Coburn, John W.	Cut Bank	Glacier	Republican
*Cooper, George R.	DeBorgia	Mineral	Republican
*Corwin, John W.	Park City	Stillwater	Republican
Danielsen, T. P.	Poplar	Roosevelt	Democrat
Delaney, F. W.	Terry	Prairie	Democrat
*Donovan, L. P.	Shelby	Toole	Democrat
*Duncan, M. M.	Virginia City	Madison	Democrat
*Eaton, Ernest T.	Polytechnic	Yellowstone	Republican
Ekegren, E. P.	Harlem	Blaine	Republican
*Galt, Errol F.	Geysers	Judith Basin	Republican
*Garber, John D.	Plains	Sanders	Democrat
Harris, Orville	White Sul. Sprgs.	Meagher	Republican
Hennessey, W. B.	Conrad	Pondera	Democrat
*Himsi, V. S.	Plevna	Fallon	Republican
Holt, Elmer	Miles City	Custer	Democrat
Holton, Albert	Cohagen	Garfield	Republican
*Husband, W. C.	Harlowton	Wheatland	Republican
*Jergensen, James A.	Whitehall	Jefferson	Republican
Kalberg, F. S.	Circle	McCone	Republican
*Kane, Tom	Corvallis	Ravalli	Republican
*Kaulbach, J.	Fort Benton	Chouteau	Republican
Keeley, W. E.	Deer Lodge	Powell	Republican
Kelsey, Frank F.	Moorhead	Powder River	Republican
*Kemmis, W. D.	Sidney	Richland	Republican
Kilduff, J. F.	Malta	Phillips	Democrat
Lamp, F. M.	Big Timber	Sweet Grass	Republican
*Larson, T. O.	Choteau	Teton	Republican
MacGivra, E. E.	Polson	Lake	Republican
Melton, George M.	Dillon	Beaverhead	Democrat
Murphy, Thos. F.	Anaconda	Deer Lodge	Democrat
*Page, John R.	Phillipsburg	Granite	Democrat
Parkin, E. J.	Bozeman	Gallatin	Republican
*Pauline, Robert	Kalispell	Flathead	Republican
Plank, Leonard	Chester	Liberty	Democrat
Plumer, A. J.	Hysham	Treasure	Democrat
*Putnam, J. A.	Hardin	Big Horn	Democrat
*Reed, Grant	Townsend	Broadwater	Republican
*Rowland, M. D.	Libby	Lincoln	Republican
*Ruffcorn, William	Glasgow	Valley	Republican
Simmons, H. A.	Red Lodge	Carbon	Republican
Sparling, J. T.	Flaxville	Daniels	Democrat
*Staggs, W. L.	Wibaux	Wibaux	Republican
Thien, Henry	Ryegate	Golden Valley	Independent
*Walker, Thomas J.	Butte	Silver Bow	Democrat
†Wass, L. M. A.	Roy	Fergus	Democrat
*Wheeler, Leon L.	Ekalaka	Carter	Republican
*Willis, S. A.	Great Falls	Cascade	Democrat

*Holdover. Elected in 1930.

†Elected to fill unexpired term of E. E. Fenton, resigned.

‡Elected to fill unexpired term of Sam W. Teagarden, deceased.

C. J. McALLISTER, Secretary.

House of Representatives

NAME	Residence	County	Politics
Abrahamson, John C.	Roberts	Carbon	Democrat
Acher, John W.	Zurich	Blaine	Democrat
Anderson, Eric	Regina	Phillips	Republican
Annin, J. T.	Columbus	Stillwater	Republican
Arnold, John	Birney	Rosebud	Democrat
Balgord, O. P.	Lavina	Golden Valley	Republican
Ballard, Jack	Carlyle	Wibaux	Democrat
Beadle, M. Kerr	Butte	Silver Bow	Democrat
Besancon, Albert	Missoula	Missoula	Democrat
Bjorneby, E. G.	Kalispell	Flathead	Democrat
Blankenbaker, V. F.	Virgelle	Chouteau	Democrat
Breitenstein, A. J.	Havre	Hill	Democrat
Byrne, E. J.	Galata	Toole	Democrat
Campbell, Ray C.	Great Falls	Cascade	Democrat
Chapman, D. W.	Peerless	Daniels	Democrat
Conner, J. B.	Farmington	Teton	Democrat
Cusker, Dolly	Poplar	Roosevelt	Democrat
Daugherty, Dennis E.	Baker	Fallon	Democrat
Dellwo, D. A.	Charlo	Lake	Democrat
Doe, Everett	Philipsburg	Granite	Democrat
Doran, Tod	Butte	Silver Bow	Democrat
Duffy, James L.	Havre	Hill	Democrat
Ecton, Zales	Manhattan	Gallatin	Republican
Ferry, John F.	Butte	Silver Bow	Democrat
Findlater, R. P.	Miles City	Custer	Republican
Fitzstephens, Joseph	Belgrade	Gallatin	Democrat
Fowler, C. W.	Billings	Yellowstone	Republican
Freed, Eldon	Winnett	Petroleum	Democrat
Freudenstein, Lou	Butte	Silver Bow	Democrat
Givens, Frank G.	Great Falls	Cascade	Democrat
Goodwin, Phil C.	Butte	Silver Bow	Democrat
Grabow, Edward E.	Livingston	Park	Democrat
Green, Henry R.	Lindsay	Dawson	Republican
Groene, Merle C.	Lewistown	Fergus	Democrat
Hagerty, Dave J.	Miles City	Custer	Democrat
Haight, Herbert	Suffolk	Fergus	Democrat
Harlen, Harry C.	Chinook	Blaine	Democrat
Harrington, Jerry J.	Butte	Silver Bow	Democrat
Hilger, Peter	Helena	Lewis & Clark	Democrat
Holecsek, J. F.	Lewistown	Fergus	Democrat
Jensen, Walter H.	Great Falls	Cascade	Democrat
Knowles, S. H.	Boulder	Jefferson	Republican
Kruse, Albert H.	Brusett	Garfield	Republican
Kuhl, Herman E.	Luther	Carbon	Democrat
Larsen, Leonard E.	Anaconda	Deer Lodge	Democrat
Lewis, David J.	Sioux Pass	Richland	Republican
Logan, E. U.	Billings	Yellowstone	Republican
Lott, Mortimer J.	Twin Bridges	Madison	Republican
Love, J. B.	Glendive	Dawson	Democrat
McCarvel, Thos. F.	Anaconda	Deer Lodge	Democrat
McDermott, Peter	Butte	Silver Bow	Democrat
McElwain, L. C.	Deer Lodge	Powell	Republican
Manning, D. M.	Hysham	Treasure	Democrat
Marshall, M. R.	Missoula	Missoula	Republican
Mason, George P.	Helena	Lewis & Clark	Democrat
Metlen, Joe	Armstead	Beaverhead	Democrat
Miles, Ben E.	McLeod	Sweet Grass	Republican
Miller, Robt. J.	Lodge Grass	Big Horn	Democrat
Miller, Timothy	Libby	Lincoln	Democrat
Moss, G. M.	Whitefish	Flathead	Republican
Mulholland, M. J.	Butte	Silver Bow	Democrat
Nass, J. N.	Glasgow	Valley	Democrat
Nelstead, T. E.	Ekalaka	Carter	Republican
Nutting, L. A.	Laurel	Yellowstone	Democrat
O'Connell, Jerry J.	Butte	Silver Bow	Democrat
O'Shea, Jas.	Roberts	Carbon	Democrat
Parker, Neil C.	Creston	Flathead	Republican
Parker, W. K.	Radersburg	Broadwater	Democrat
Pierson, Geo. W.	Billings	Yellowstone	Democrat
Pilgeram, Wm. P.	Armington	Cascade	Democrat
Porter, A. T.	Stevensville	Ravalli	Democrat
Quamme, T. N.	Brady	Pondera	Republican
Ragen, D. J.	East Helena	Lewis & Clark	Democrat
Ralston, Harry M.	Glacier Park	Glacier	Democrat
Rearden, John D.	Great Falls	Cascade	Democrat
Reardon, Ray	Anaconda	Deer Lodge	Democrat
Replogle, Bert	Lewistown	Fergus	Democrat
Rognlien, I. D.	Kalispell	Flathead	Democrat

HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
Roll, Fritz	Great Falls.....	Cascade.....	Republican
Rolph, H. D.	Joplin.....	Liberty.....	Democrat
*Sadring, John E.	Roundup.....	Musselshell.....	Republican
Schuster, Andrew L.	Avondale.....	Valley.....	Democrat
Setzer, G. W.	Malta.....	Phillips.....	Republican
Shannon, Ray N.	Thompson Falls.....	Sanders.....	Democrat
Snidow, T. A.	Billings.....	Yellowstone.....	Democrat
Somerville, Thomas	Wilsall.....	Park.....	Democrat
Spangler, R. W.	Superior.....	Mineral.....	Democrat
Sparling, Harry	Medicine Lake.....	Sheridan.....	Republican
Stephens, Guy C.	Circle.....	McCone.....	Democrat
Stevens, I. Thayer	Harlowton.....	Wheatland.....	Republican
Stiefel, E. A.	Belgrade.....	Gallatin.....	Democrat
Strange, G. B.	Stevensville.....	Ravalli.....	Republican
Sullivan, Dan W.	Butte.....	Silver Bow.....	Democrat
Trenne, M. P.	Poplar.....	Roosevelt.....	Republican
Ueland, Andrew	Outlook.....	Sheridan.....	Republican
Waite, W. T.	Broadus.....	Powder River.....	Republican
Watson, Arthur H.	White Sul. Sprgs....	Meagher.....	Republican
Watson, Fred	Missoula.....	Missoula.....	Republican
Whaley, James	Fallon.....	Prairie.....	Democrat
White, B. C.	Buffalo.....	Judith Basin.....	Democrat
Wigal, E. E.	Missoula.....	Missoula.....	Democrat
Woodcock, J. W.	Fort Benton.....	Chouteau.....	Democrat

*Not seated.

JOHN J. JEWELL, Chief Clerk.

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Sub. for Sub. 13	A Bill for an Act entitled: "An Act to regulate the operation of certain games of chance; to provide when the operation thereof shall be illegal; to provide for the license fee therefor and the disposition thereof; and to repeal all Acts and parts of Acts in conflict therewith.".....	160, 161, 169, 191, 197, 219, 225, 226, 235, 241, 242, 249, 252, 254, 268, 273, 314.
14	A Bill for an Act entitled: "An Act to amend Section 571 of the Revised Codes of the State of Montana of 1921 relating to compensating of County Clerks for furnishing poll books.".....	31, 110, 141.
Sub. 14	A Bill for an Act entitled: "An Act to amend Section 571 of the Revised Codes of the State of Montana of 1921 relating to compensation of County Clerks for furnishing poll books.".....	110, 141, 144, 162, 163, 192, 206, 213, 365, 369.
15	A Bill for an Act entitled: "An Act to amend or repeal certain sections of Chapter 25 of the Session Laws of the State of Montana of 1927; relating to the calling of elections for the purpose of issuing bonds and authorizing the Board of Trustees to call such elections without a petition; to fixing the amount and kind of bonds; to notice of the elections."	31, 60.
16	A Bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in retail stores; persons employed in delivering goods sold in such stores; persons employed in wholesale warehouses used for supplying retail establishments with goods, and persons employed in delivering goods to retail establishments from such wholesale warehouses, and providing penalties for a violation thereof.".....	35, 67, 74, 76, 86, 91, 92, 95, 96, 108, 128, 132, 139, 144, 145, 146, 164, 166, 172, 213.
17	A Bill for an Act entitled: "An Act to authorize the erection and equipment of three buildings for the Montana State Hospital for the Insane at Warm Springs, Montana, and, for such purpose, to permit the conveying of lands owned by the State of Montana to the United States, and to enter into all necessary or appropriate contracts	

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	and arrangements with the United States under the National Industrial Recovery Act or other legislation of the United States in connection therewith."	35, 37, 45, 53, 105, 170.
Sub. 17	A Bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the State Insane Asylum at Warm Springs, Montana; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes to empower the State Board of Examiners to enter into all contracts and agreements necessary or incidental to the execution of its power under this Act; to provide remedies of bondholders and declaring an emergency."	105, 130, 131, 145, 146, 170, 239, 250, 251, 271, 279, 280.
18	A Bill for an Act entitled: "An Act to authorize the erection of a building or buildings for the Montana State Tuberculosis Sanitarium and, for such purpose, to permit the conveying of lands owned by the State of Montana to the United States, and to enter into all necessary or appropriate contracts and arrangements with the United States under the National Industrial Recovery Act or other legislation of the United States in connection therewith."	35, 37, 45, 53, 105, 239.
Sub. 18	A Bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the Montana State Tuberculosis Sanitarium; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Examiners to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency."	105, 130, 131, 155, 156, 157, 171, 205, 221, 222, 252, 295, 299, 312, 313, 316, 319.

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19	A Bill for an Act entitled: "An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other political subdivisions, or any other government agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works.".....	36, 60, 76, 83, 87, 88, 90, 92, 94, 100, 243, 244, 251, 259, 295, 296, 303, 304, 306, 318, 325, 326, 328.
20	A Bill for an Act entitled: "An Act prescribing the operating hours of retail stores and wholesale warehouses; defining the terms used therein; classifying grocery, cigar and candy stores, stating the exemptions from the provisions of the Act and providing for a violation thereof.".....	42, 181, 229, 252, 253, 263, 264, 265, 273, 310, 313, 314.
21	A Bill for an Act entitled: "An Act providing for the levying of a state tax on all moneys received by hotel owners or operators for renting of rooms, providing for ways and means of collecting and distributing same."	43, 58, 59.
22	A Bill for an Act entitled: "An Act making bonds of the 'Home Owners' Loan Corporation' eligible for investment purposes for the State of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or for any insurance company, building and loan association, or for any bank, trust company, or other financial institution operating under the laws of this state, or for any executor, administrator, guardian or conservator, trustee or other fiduciary; and making such bonds eligible as security for depository bonds and obligations."	47, 48, 50, 51, 56, 67, 81, 85, 99, 142, 158, 159, 160, 174, 187, 192, 193, 196.
23	A Bill for an Act entitled: "An Act to amend Section 1, Chapter 172, of the Laws of Montana, 1933, to make an exception as to the sale of prison made goods in the State of Montana to permit the sale of repairs for farm machinery owned in this state."	47, 53, 67, 74, 75, 84, 128, 139, 144, 145, 146, 147, 164, 166, 172, 213.

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24	A Bill for an Act entitled: "An Act reducing the rate of interest from and after March 1, 1934, on delinquent taxes and assessments and repealing all Acts and parts of Acts in conflict therewith."	50, 53, 67, 74, 91, 95, 96, 108, 203, 205.
25	A Bill for an Act entitled: "An Act to permit Boards of County Commissioners to lease County Fair Grounds and Buildings thereon."	56, 76, 86, 87, 88, 92, 93, 142, 158, 170, 171, 195, 196, 202, 211, 215, 216, 232, 235, 250.
26	A Bill for an Act entitled: "An Act to amend Sections 4531, 4532 and 4533 of the Revised Codes of Montana of 1921, amended by Chapter 91, Laws of Montana, 1931, relating to the application of destitute persons seeking relief; the residence of said persons; and providing temporary relief to non-residents."	57, 61, 76, 83, 87, 88, 92, 93, 94, 100, 194, 203, 207, 217, 237, 238, 252, 295, 300, 312, 313, 316, 319.
27	A Bill for an Act entitled: "An Act providing a license tax for doing certain business in the State of Montana; to provide emergency relief and for the ascertainment, assessment and collection of said tax, and prescribing penalties for the violation of the terms of this Act, and for the disposition of the revenue received."	59, 141.
Sub. 27	A Bill for an Act entitled: "An Act to provide for license taxes upon the privilege of engaging in certain business, and levying a tax upon the gross sales made in such business, and/or the gross income of such business; to provide emergency relief, and to provide for the disposition of the revenues received."	141, 169, 174, 178.
28	A Bill for an Act entitled: "An Act to amend Section 2 of Chapter 180 of the Session Laws of the Twenty-third Legislative Assembly, 1933, relating to certain license fees, fixing the amount of such license fees and prescribing a method for the assessment thereof."	62, 178, 187, 202, 216, 218, 219, 237, 368, 369, 390, 431, 439, 457, 458, 459, 465, 466, 475, 478.
29	A Bill for an Act entitled: "An Act empowering cities and towns to prepare and improve streets, avenues and alleys within sprinkling districts so	

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	that the sprinkling thereof with water, oil, salt or any other dust palliative, will be of a durable and continuing benefit and authorizing cities and towns to enter into agreements with the United States of America for loans of money and for financial aid in the accomplishment thereof and apportioning the cost thereof over a period of years." -----	62, 106, 117, 130, 131, 145, 146, 170, 206, 213, 220, 240, 242, 250.
30	A Bill for an Act entitled: "An Act relating to the licensing and regulation of the manufacture, sale and distribution of beer and other similar beverages, and to amend Sections 2, 3, 9, 13, 14, 17, 20, 28, 30, 32, 43, 45, 48 and 49, and to repeal Sections 21, 22, 23, 24, 25, 26, 27, 38, 39, 41 and 42 of Chapter 106, Laws of 1933, relating thereto." -----	73, 134, 169, 172, 175, 177, 181, 200, 223, 229, 235.
Sub. 30	A Bill for an Act entitled: "An Act relating to the licensing and regulation of the manufacture, sale and distribution of beer and other similar beverages, and to amend Sections 2, 3, 9, 13, 14, 17, 18, 20, 28, 30, 32, 45, 48 and 49, and to repeal Sections 21, 22, 23, 24, 25, 26, 27, 38, 39, 41, 42 and 43 of Chapter 106, Laws of 1933, relating thereto." -----	235, 236, 242, 247, 248, 273, 287, 297, 336, 337, 350, 352, 355, 386, 388, 389, 426, 442, 451, 456, 462.
31	A Bill for an Act entitled: "An Act to appropriate money to establish and operate state liquor stores authorized by Chapter 105 of the Laws of the Twenty-third Legislative Assembly of the State of Montana, commonly known as the State Liquor Control Act." -----	78, 88, 89, 95, 104, 111, 121, 124, 125, 143, 205, 221, 222, 252, 295, 296, 314, 344, 353, 364, 365, 371, 372, 374.
32	A Bill for an Act entitled: "An Act directing the State Board of Examiners, the State Auditor and the State Treasurer to transfer certain sums from and to certain accounts in the funds appropriated for the Veterans' Welfare Commission for the biennium ending June 30, 1935, for the purpose of enabling said Commission to maintain its efficiency and to properly handle the claims of dis-	

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	abled ex-service men for compensation under Acts of Congress."	89, 97, 111, 184, 197, 201, 208, 209, 222, 310, 314, 316, 323, 324, 325, 326, 328.
33	A Bill for an Act entitled: "An Act providing for consolidation of school districts; providing for transportation; providing for officers and providing certain districts shall not receive aid from the county or state equalization fund."	83, 92, 105, 111.
34	A Bill for an Act entitled: "An Act regulating the hours of labor of drivers and attendants of motor busses, and motor trucks in the State of Montana; defining the term 'attendant' and fixing penalties for the violation of the provisions of this Act."	83, 108, 109, 110, 147, 202, 216, 224, 248, 262, 263, 273, 320, 321, 327, 330, 336, 341, 347, 353.
35	A Bill for an Act entitled: "An Act to amend Section 9429 of the Revised Codes of Montana, 1921, as amended by Chapter 3 of the Session Laws of the Twenty-third Legislative Assembly, relating to exemption of earnings of judgment debtors."	87, 122, 141, 144, 155, 157, 171, 316, 317.
36	A Bill for an Act entitled: "An Act to raise revenue for state, county and municipality by the issuance of liquor, wine and beer stamps, licenses for manufacture, distribution and sale of liquor, wine and beer, or any brewed, malted, fermented and distilled alcoholic and other similar beverages, and for the regulation of sale and distribution of any brewed, malted, fermented and distilled alcoholic and other similar beverages, and for the raising and disposition of revenues therefrom, and providing penalties for the violation of any of its provisions."	90, 201.
37	A Bill for an Act entitled: "An Act relating to certain license fees to be paid by collecting agents and other persons, firms or corporations other than attorneys-at-law engaged in collection of bills, notes or accounts; and fixing license fees thereof and prescribing a penalty for failure to pay said license fee or otherwise failing to comply with the provisions herein."	104, 131, 224.
Sub. 37	"An Act relating to certain license fees to be paid by collecting agents and other persons, firms or corporations other than attorneys-at-law engaged in collection of bills, notes or accounts; and fixing license fees thereof and prescribing a penalty	

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	for failure to pay said license fee or otherwise failing to comply with the provisions herein.".....	131, 162, 165, 200, 232, 242, 247, 254, 262, 266, 273, 315, 316, 318.
38	A Bill for an Act entitled: "An Act reducing the penalty on delinquent taxes from and after March 1st, 1934, and repealing all Acts and parts of Acts in conflict herewith."	110, 123, 141, 144, 165, 168, 181, 185, 186, 204, 317, 320, 326, 327, 328, 333, 334, 350, 351, 352.
39	A Bill for an Act entitled: "An Act providing for the creation of the State Water Conservation Board; prescribing its powers and duties; providing for the construction, operation and maintenance of a system of works for the conservation, development, storage, distribution and utilization of water, and for the acquisition of property necessary therefor; authorizing the issuance of water conservation revenue bonds of the state payable solely from the revenues of such works and the funds received from the sale or disposal of water and from the operation, lease, sale or other disposition of the works, property and facilities to be acquired out of the proceeds of such bonds; declaring that no debt of the state shall be incurred in the exercise of any of the powers granted by this Act; providing for condemnation; making an appropriation; repealing Chapter 155 of the Session Laws of 1931; and declaring an emergency."	110, 112, 162, 165, 168, 172, 173, 204, 314, 318, 320, 326, 327, 328, 333, 334, 335, 364, 365, 371, 372, 374.
40	A Bill for an Act entitled: "An Act to amend Section 97 of Chapter 105 (commonly called the Liquor Control Act), of the Twenty-third Legislative Assembly in Regular Session assembled, relating to the allocation and distribution of net profits, derived from the administration of the law, to the state and counties."	112, 123, 144, 154, 162, 163, 192, 336, 337, 340, 341, 343, 351, 352, 361, 362, 363, 370, 438, 473.
41	A Bill for an Act entitled: "An Act to amend Sections 5, 7, 8 and 10 of Chapter 155, Laws of the Twenty-third Legislative Assembly, relating to license fees for opening, establishing, operating or maintaining one or more stores."	120, 123, 154, 162, 179, 217, 224, 232, 248, 249, 252, 273, 353, 355.

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42	A Bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the Montana School for Deaf and Blind, at Boulder, Montana; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Education to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency."	120, 140, 169, 174, 198, 199, 222, 286, 351, 357, 359, 390, 391, 431, 439, 440, 444, 445, 453, 456, 457, 459, 465.
43	A Bill for an Act entitled: "An Act directing the creation of unemployment relief fund; defining the purpose thereof; defining the authority of Boards of County Commissioners relative thereto; creating the Montana Unemployment Relief Commission; defining its powers and duties; fixing wages and hours of labor."	124, 153, 154, 169, 172, 197, 199, 230, 231, 251, 335, 336.
44	A Bill designating the State Water Conservation Board as the State Planning Board and defining its duties.	124, 131, 141, 144, 165, 168, 181, 186, 204, 359, 368, 373, 378, 385, 386, 429, 430, 433, 439, 461.
45	A Bill for an Act entitled: "An Act to amend Section 13 of Chapter 65 of the Laws of Montana, 1923, as amended by Section 2 of Chapter 141 of the Laws of Montana, 1927, relating to the appointment of special appraisers of estates."	124, 190.
46	A Bill for an Act entitled: "An Act to amend Sections 2 and 28 of Chapter 181 of the Laws of Montana, 1933, regulating rate of personal income tax to be paid, and distribution of said tax."	129, 161, 169, 175, 191, 201, 208, 222, 367, 373, 375, 378, 389, 437, 455, 456, 461.
47	A Bill for an Act entitled: "An Act to amend Section 2435 of the Revised Codes of Montana, 1921,	

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	relating to license taxes on vendors of oleomargarine, vendors of cigarettes, and railway warehouses; and to provide for a license tax upon the business of selling cigarettes, cigarette paper, or the material used in the making of cigarettes, except tobacco."	130, 187, 202, 211, 219, 227, 251, 315, 316, 317, 322, 324, 325, 331, 335, 339.
48	A Bill for an Act entitled: "An Act to amend Sections 1 and 16 of Chapter 166 of the Montana Session Laws of 1933 relating to amount of license tax of corporations and providing for the distribution thereof."	132, 167, 190, 197, 210, 219, 226, 251, 286, 367, 373, 374.
49	A Bill for an Act entitled: "An Act to amend Section 4918 of the Revised Codes of Montana, 1921, relating to fees of the Clerk of the District Court; directing the disposition of certain of said fees and repealing all Acts and parts of Acts in conflict therewith."	132, 201, 202.
50	A Bill for an Act entitled: "An Act to amend Section 2296 of the Revised Codes of Montana, as amended by Section 1, Chapter 166, of the Laws of Montana, 1933, and to amend Section 16 of Chapter 166, of the Laws of Montana, 1933, providing a method of arriving at net income, allowing certain deductions and exempting certain corporations from said tax; to provide for allocation of income to Montana of business done by corporations both within and without the state; to provide for the necessary enforcement and collection of said tax, and penalties for failure to comply herewith, and granting powers to the State Board of Equalization to make rules and regulations relative thereto."	132, 166, 167.
51	A Bill for an Act entitled: "An Act amending Section 1, and Section 4, of Chapter 174, of the Session Laws of 1933, requiring every person, firm, co-partnership, association, joint stock company, syndicate and corporation engaged in or carrying on the business of constructing, maintaining and operating telephone lines and telephone instruments within the State of Montana to pay license taxes and providing penalties."	132, 178, 183, 217, 224, 235, 236, 242, 254, 256, 257, 273, 347, 354, 356, 370, 374, 440, 443, 446, 451, 452, 454, 455, 456, 466, 475, 478.

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52	A Bill for an Act entitled: "An Act establishing an emergency relief fund; creating a state institution to be known as emergency relief; defining the purpose and directing the administration thereof; and directing the distribution of moneys to said fund.".....	133, 153, 169, 191, 197, 199, 200, 219, 226, 251, 287, 297, 298, 302, 316, 319.
53	A Bill for an Act entitled: "An Act to provide for the sale of spirituous and vinous liquors at wholesale by the State of Montana; creating the Montana Liquor Control Board, and providing for the operation thereof; providing for a stamp tax and the issuance of licenses for the retail sale of such liquors in the State of Montana and providing for the distribution of moneys collected hereunder for emergency relief and other purposes.".....	136, 167, 190, 197, 209, 210.
54	A Bill for an Act entitled: "An Act to authorize the erection of buildings for the Greater University of Montana at Lewistown; to authorize the borrowing of money for the construction of said buildings, to create a fund out of which the principal of and the interest upon the money so borrowed may be paid, and to provide that the money so borrowed shall not be and never shall become a charge against the State of Montana, or a liability, debt or obligation of the State of Montana; to authorize the State Board of Education to move, sell or dismantle any and all buildings now occupied or used by the units of said University; limiting the amount of indebtedness to be incurred not to exceed Two and One-half Millions of Dollars.".....	137, 162, 181, 182, 202, 211, 214.
55	A Bill for an Act entitled: "An Act to amend Chapter 109 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, relating to the regulation and sale of gasoline and other petroleum products, by adding after Section 19 thereof a new section to be known as Section 19A, providing for the revocation by the Public Service Commission of the license to engage in the business of selling gasoline and other petroleum products issued to any person, firm, partnership, association or corporation, and granting the right of appeal where such revocation is ordered.".....	137, 176, 190, 197, 198, 199, 219, 226, 227, 251, 335, 336.
56	A Bill for an Act entitled: "An Act relating to the imposition of a tax on the sale of gasoline; the collection and disposition thereof; and prescribing penalties for the violation of such Act.".....	137, 188, 217, 224, 235, 236, 241.

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57	A Bill for an Act entitled: "An Act to provide a privilege license tax on all persons, associations or corporations owning or operating a telephone or telegraph business in this state.".....	137, 178, 182, 217, 224, 235, 236, 247, 256, 257, 258, 273, 328, 347, 348, 354, 356, 370, 375, 429, 430, 433, 439, 461.
58	A Bill for an Act entitled: "An Act to prohibit and prevent the waste of crude petroleum in the State of Montana; creating an Oil Conservation Board; providing for the appointment of the members of said board, providing the powers, duties and authority of said board and the members thereof; providing for the filing and hearing of complaints concerning waste of crude petroleum, and for oaths, subpoenas and depositions; providing for the cooperation of said board with the Government of the United States and department or bureau thereof in the administration and enforcement of the National Industrial Recovery Act and any order, rule, regulation or code, promulgated thereunder in so far as related to the petroleum industry; providing for the enforcement of the Act and the rules, regulations and orders of the said board and creating a fund for the purposes of said Act and providing for the assessment and collection thereof.".....	137, 165, 169, 191, 201, 208, 222, 243, 250, 251, 293, 294, 295, 296, 297.
59	A Bill for an Act entitled: "An Act to amend Section 6112 of the Revised Codes of Montana, 1921, regarding the license fees to be paid by insurance corporations, associations and societies, to provide funds for the support and relief of the needy and for their employment, and for the financing of direct relief or work relief, or both, for a limited period."	138, 166, 189, 197, 199, 200, 219, 227, 228.
60	A Bill for an Act entitled: "An Act requiring all persons, co-partnerships, firms, associations, joint stock companies, syndicates and corporations engaged in, or carrying on, the business in this state of contracting, or who shall enter into construction or improvement contracts, to pay to the State Board of Equalization certain license taxes for engaging in, carrying on, and entering into such business in this state; fixing the amount of such license taxes; providing a method for the	

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	assessment, collection and disposition thereof; and providing penalties for the violation of this Act."	138, 188, 217, 224, 235, 236, 262, 263, 273, 348, 354, 356, 370, 374, 464, 465, 467, 469, 471, 472, 473, 477, 479, 480, 483, 485, 486, 488, 489.
61	A Bill for an Act entitled: "An Act requiring licenses for the operation, maintenance, opening or establishment of banks and limiting of the legal rate of interest thereof, prescribing licenses and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Board of Equalization in connection therewith, and prescribing penalties for the violation thereof."	138, 184, 217, 224, 241, 242, 255, 269, 270, 280.
62	A Bill for an Act entitled: "An Act authorizing Bartholomew C. Dignan to file with the State Board of Examiners his claim against the State of Montana for compensation for injuries, for reimbursement for expenses occasioned by injuries received by him while employed in the office of the State Treasurer by reason of the ceiling falling upon him, and authorizing the said State Board of Examiners to hear, audit and determine the said claim, and making an appropriation to pay any such claim of said Bartholomew C. Dignan which said State Board of Examiners may approve and allow."	138, 279, 280, 288, 295, 301, 304, 305, 320, 367, 373, 429, 430, 433, 439, 461.
63	A Bill for an Act entitled: "An Act relating to the sale of cigarettes, and cigarette papers and wrappers and papers used and prepared for the making of cigarettes and imposing taxes thereon, and the levy, assessment, collection, payment, and distribution of a tax thereon; providing for issuing licenses for the privilege of engaging in the business of the sale thereof and providing for the levy, assessment, collection, payment, and distribution of a tax for the privilege of engaging in such business; providing for the regulation of the sales thereof, the enforcement of such tax and license, and penalty for violation of this Act; defining the duties of state and county officials and designating the funds into which the proceeds derived from such licenses and stamps shall be paid."	138, 179, 217, 224, 242, 263, 264, 269, 280, 457, 465, 472, 473, 474, 479, 489.

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64	A Bill for an Act entitled: "An Act to amend Chapter 100 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 176 of the Session Laws of 1933, relating to tax deeds, providing the method and procedure to be followed in applying for the tax deed and for the issuance thereof by the County Treasurer; the redemption of said lands from the tax sale; the form of deed to be issued and the title conveyed thereby.".....	138, 174, 190, 223.
Sub. 64	A Bill for an Act entitled: "An Act to amend Sections 2 and 5 of Chapter 100 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 176 of the Session Laws of 1933, relating to tax deeds, providing the method and procedure to be followed in applying for the tax deed and for the issuance thereof by the County Treasurer; the redemption of said lands from the tax sale; the form of deed to be issued and the title conveyed thereby."	174, 199, 200, 230, 231, 251, 335, 336, 341, 346.
65	A Bill for an Act entitled: "An Act to permit all contracts for state, county, municipal and school construction or repair work and maintenance to contain provisions conforming to the 'National Industrial Recovery Act,' or other Federal statutes providing for minimum wages, hours of labor and other restrictions concerning employment designed to reduce unemployment, and declaring an emergency to exist, and repealing all Acts and parts of Acts in conflict herewith.".....	139, 177, 247, 254, 268, 273, 358, 359, 390, 431, 433, 442, 444, 461.
66	A Bill for an Act entitled: "An Act defining 'cosmetics and kindred products'; and imposing certain license fees and taxes on the sale of 'cosmetics and kindred products' and fixing certain fees on the business of handling, receiving, selling, offering for sale, and dealing in through sale, barter, or exchange of 'cosmetics and kindred products' by any person, firm, association, joint stock company, syndicate, or corporation in this state, and to provide methods and penalties for the enforcement of the aforesaid tax and penalties and to appropriate and apportion the revenue derived from this tax to certain funds of the State of Montana, and repealing all Acts or parts of Acts in conflict herewith."	145, 188, 189, 217, 224, 241, 242.
Sub. 66	A Bill for an Act entitled: "An Act defining 'cosmetics and kindred products'; providing a license to engage in the business of selling the same;"	

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	providing a license tax on the retail price of such cosmetics or kindred products sold or given away; providing for the payment and distribution of such license fee and license tax and providing for the regulation of the sales thereof, the enforcement of such tax and license, and penalty for violation of this Act; and defining the duties of state and county officials."	189, 253, 267, 273, 365, 369.
67	A Bill for an Act entitled: "An Act to provide emergency relief by authorizing Boards of Trustees of county high schools in counties where there are district high schools to borrow money and to enter into contracts and arrangements for the repair and construction of buildings and public works, providing for elections and procedure to be followed by county high school districts.".....	155, 161, 169, 199, 200, 211, 223, 230.
Sub. 67	A Bill for an Act entitled: "An Act to provide emergency relief by the creation of high school districts and authorizing the Boards of Trustees of said high school districts to borrow money and to enter into contracts and arrangements for the repairs and construction of buildings and public works, providing for elections and procedure to be followed by high school districts.".....	230, 252, 265, 266, 273, 288, 355, 357, 368, 373, 378, 385, 429, 430, 433, 439, 462.
68	A Bill for an Act entitled: "An Act to authorize the erection of a building or buildings for the Montana State Industrial School; to authorize the borrowing of money to pay for the construction of said building or buildings; to create a fund out of which the principal of and the interest upon the money so borrowed may be paid; and to provide that the money, so borrowed, shall not be and never shall become a charge against the State of Montana or a liability, debt or obligation of the State of Montana."	155, 197, 198, 229, 252, 253, 269, 270, 271, 280, 287, 297, 298, 299, 300, 312, 313, 316, 319.
69	A Bill for an Act entitled: "An Act to refund to beer licensees on Indian reservations where licensees are prohibited from operating by reason of regulations of the Federal Government, and providing an appropriation therefor.".....	155, 184, 185, 202, 224, 241, 242, 254, 257, 273, 315, 316, 318, 323, 325, 326, 328.

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70	A Bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana."	168, 184, 202, 211, 214, 215, 234, 237, 240, 242, 243, 245, 250.
71	A Bill for an Act entitled: "An Act appropriating money for the purchase of materials, equipment and supplies to be used in connection with the repairs and alterations to the state capitol buildings and grounds, and architects' fees in connection therewith."	190, 212, 229, 252, 253, 266, 273, 320, 321, 328, 330, 340, 341, 352, 355, 433, 434, 435, 437, 438, 443.
72	A Bill for an Act entitled: "An Act to provide for a license tax upon goods, wares, merchandise or other personal property produced or manufactured in the State of Montana and sold by brokers or other agents engaged by the producer or manufacturer from without the State of Montana to sell such goods, wares, merchandise or other personal property within the State of Montana; and to provide for a penalty for the failure to pay said license tax."	201, 202, 229, 253, 254, 258, 259, 273, 321, 326, 330, 336.
73	A Bill for an Act entitled: "An Act to appropriate money from the State Highway Fund for the operation and maintenance of the Horticultural Division of the Department of Agriculture, Labor and Industry for the period beginning January 1, 1934, and ending June 30, 1935, and additional to and supplementing the appropriations made for such office by the Twenty-third Legislative Assembly in Regular Session."	223, 280, 288, 304, 309, 320, 321, 326, 331, 332, 335, 339.
74	A Bill for an Act entitled: "An Act to amend Section 9428 of the Revised Codes of Montana, 1921, providing that church property used for holding church services shall be exempt from judgment." ..	241, 243.
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HOUSE JOURNAL

OF THE
EXTRAORDINARY SESSION
OF THE
TWENTY-THIRD LEGISLATIVE ASSEMBLY
OF THE
STATE OF MONTANA

FIRST DAY

House of Representatives,

Helena, Montana, November 27, 1933.

Pursuant to the proclamation of His Excellency, the Governor, and to the Law in such cases, made and provided, the House of Representatives of the Twenty-third Legislative Assembly of the State of Montana, in Extraordinary Session Assembled, was called to order by the Speaker, the Honorable Dennis A. Dellwo, at 10:00 o'clock a. m., Monday the 27th day of November, 1933.

Invocation by Reverend O. J. Hagen.

On roll call all members present except the following:

Wigal absent and Blankenbaker excused.

It was moved by Besancon, duly seconded and carried, that the Speaker be authorized to fill any vacancy in the officers of the House. Mr. Speaker appointed Miss Bess Kuster temporary Journal Clerk.

It was moved by Besancon, duly seconded and carried, that the officers, organization, rules, joint rules and order of business and all standing committees of the Twenty-third Regular Session be, the organization, rules, joint rules and order of business and all standing committees respectively of this Extraordinary Session of the Twenty-third Legislative Assembly.

It was moved by Besancon, duly seconded and carried, that a committee of three be appointed to notify his Excellency, the Governor, that the House of Representatives is now duly organized and ready to transact business in this Extraordinary Session, and is prepared to receive any message he might have to convey.

Mr. Speaker appointed Haight, Pierson and Moss as such committee.

It was moved by Besancon, duly seconded and carried, that a committee of three be appointed to notify the Honorable Senate that the House of Representatives is now organized in Extraordinary Session and ready to transact business.

Mr. Speaker appointed McCarvel, Stephens of McCone and Watson of Meagher as such committee.

It was moved by Besancon, duly seconded and carried, that the Employment Committee be requested to report to the House and recommend such employees as may be necessary, and only such as may be necessary to transact the business of the House.

The committee appointed to notify His Excellency the Governor that the House was duly organized and ready for business reported that His Excellency advised the House Members that he will deliver a message to the Joint Session of the House and Senate at 12:00 o'clock today. Thereupon committee discharged.

The committee appointed to notify the Honorable Senate reported that its duty was performed and was thereupon discharged.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

Upon the request of Besancon, unanimous consent was given to the introduction of the following bill, without previous notice, and the following bill was introduced, read first and second time, and committee reference will be made.

House Bill No. 1, introduced by Besancon: A bill for an Act entitled: "An Act to amend Section 1 of Chapter 103 of the Montana Session Laws of 1933, and to repeal Section 3 of Chapter 158 Session Laws of 1931, relating to registration and registration fees of motor vehicles and dealers thereof and distribution of the revenues received therefrom."

NOTICES

Authors gave notice that they will, on tomorrow or some subsequent day, introduce the following bills:

By Beadle: A bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section Four (4) of Article Eighteen (18) of the Constitution of the State of Montana, relating to the hours of labor in all industries, occupations, undertakings and employments."

The committee from the Senate presented itself at the Bar of the House and announced that the Senate was duly organized and ready for the transaction of business.

Mr. Speaker requested the courtesy of the minority party, and requested visitors in the balcony to return at 12:00 o'clock for a Joint Session, whereupon the majority party would caucus at recess of the House.

It was moved by Besancon, duly seconded and carried, that the House recess, subject to the call of the Speaker to meet in Joint Session at 12:00 o'clock.

House resumed.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that Hilda Richeson be elected as Journal Clerk of the House.

It was moved by Besancon, duly seconded and carried, that the Speaker appoint a committee of three to invite the members of the Senate to convene in Joint Session.

Mr. Speaker appointed Shannon, Metlen and Watson of Missoula.

The Committee appointed to notify the Honorable Senate reported that its duty was performed and was thereupon discharged.

The Speaker appointed Besancon and Moss to escort the President of the Senate to the rostrum of the House.

JOINT SESSION

Senator Pauline, President pro tem in the Chair.

The Secretary of the Senate called the roll of the Senate and the Clerk of the House called the roll of the House.

A quorum of above bodies being present, the Joint Session convened.

It was moved by Senator Kane, duly seconded and carried, that a committee be appointed to notify the Governor that the Senate and House was convened in Joint Assembly and were ready to receive his message. The President pro tem of the Senate appointed Senator Kane and Donovan and Representatives Besancon and Haight.

The Sergeant-at-Arms of the Senate announced that the Governor was now ready to deliver his message to the Joint Assembly, whereupon His Excellency Frank H. Cooney appeared at the Bar of the House, was escorted to the desk of the Chief Clerk and delivered to the Joint Assembly his message as follows:

To the Members of the Twenty-third Legislative Assembly in Extraordinary Session:

Nothing short of an emergency of imperative nature would impel me to assemble you at this period in the state's life. Our financial situation is not such as to make it desirable to hold a costly session, and it was my hope that we might be able to go through the winter without this. But after numerous conferences with our citizens and several with those in charge of affairs at the seat of government in Washington, I have been forced to the conclusion that Legislative action on the part of Montana is absolutely necessary if we are to enable ourselves to take advantage of the terms of the National Recovery Act and of the National Emergency Relief Act.

It is not necessary to dwell at any length upon our condition today—upon our widespread unemployment due to the stagnation in most of our industries, and upon the distress that has come upon thousands of our citizens who have suffered by reason of conditions on our farms due to drouth and other causes. The nation cannot be expected to recover its equilibrium over night, and by the same token it cannot be expected that there can come such a recovery in our industries that the jobless thousands can be called back to work tomorrow. Montana faces a winter in which climatic conditions will greatly retard work on such projects as may be approved by the Federal Government.

What, then, are we to do about the relief of those who have been cared for by Federal funds during the last eighteen months. The parent government has made it plain to us that Montana must share a part of the burden of caring for its own needy, which is only right and proper. We have received vast sums for relief from the Federal Government, and for us to neglect or refuse to do our utmost toward carrying a share of the burden would be a stain upon the good name of the commonwealth. The need for action on the part of the state is emergent. This is the reason paramount for calling you in special session.

WE MUST DO OUR PART

Sixteen months ago Montana began receiving relief funds from the Federal Government, starting with some half a dozen counties on the list. This steadily grew until early in the present year each of our fifty-six

counties was on the roll. By the time we complete the seventeenth month on the last day of this year Montana will have received approximately five million dollars for distribution among the unemployed and distressed.

Recently the Federal Government made it known that beginning with the new year its contribution would be reduced materially—to be exact, that it would furnish only one-third of the amount necessary for relief, the remaining two-thirds to be raised equally by the counties and the state. In computing the contributions by the counties the poor funds and amounts raised by charitable organizations will be taken into account.

These relief funds are administered by the State Relief Commission, with headquarters in the capitol. Within the past few weeks the new setup decreed at Washington places the duties of the Civil Works Administration in the hands of this body. It is deemed advisable that legislation be enacted at this session which will clarify and extend the powers of the Relief Commission, more definitely define the duties of those charged with the distribution of the funds by the state and its political subdivisions, and make such appropriations as may be necessary in the premises.

By those in close touch with the relief situation throughout the State it is estimated that we shall need not less than four million dollars for relief during the next fourteen months. Which brings us to the engrossing question. How shall the state's portion of this sum be raised. There are many advocates of the sales tax idea, but such a tax would not appeal to the people unless the law could be so framed as to make it impossible for the tax to be passed on to the consumer. There are some who suggest that the sum be raised by an additional tax on gasoline, but I doubt that the people would look with any degree of favor upon a measure that would add to the six and one-half cents tax they are now paying for gasoline. No one desires to add one whit to the burden of the taxpayer, but the stubborn fact remains that Montana must raise this money if widespread misery is to be avoided during the next twelve month, and I rely upon the wisdom and the patriotism and the humane instincts of this body to devise a method that will care for our distressed without undue hardship upon the people at large.

It has been said of Montana that if the automobiles owned in the State could be impressed into service at a given hour they would be able to transport every man, woman and child of our population. Surely such a state can not be accounted helpless in a crisis such as we are facing. We can neither dispute nor evade the responsibility, and it is for this body to work out a solution of the problem.

PUBLIC WORKS LEGISLATION

It has been found that our statutes are not sufficiently comprehensive to permit the state, counties and other subdivisions to obtain grants, loans or advances under the National Industrial Recovery Act for the construction of public works. The construction of these projects would furnish work for many of our unemployed and thus reduce the amount of direct relief needed, and I recommend that you make such amendments to our existing laws as will render it possible to secure the benefits contemplated under the Federal Government's plan. I may add that such action would make it possible for the state to make much-needed improvements at the Hospital for the Insane and at the Tuberculosis Sanitarium. Under this plan, as you know, the parent government would make an outright grant of thirty per cent of the total amount borrowed by the state for the work.

IRRIGATION PROJECTS

The expansion of our irrigation system means a vast deal to the life of our state, and it is recommended that you enact a measure relating to the proper conservation and use of water, and the construction of public

works including reservoirs and everything necessary for the building of complete irrigation systems. Such a measure, too, is necessary if we are to enable ourselves to secure moneys from the government for a work that would have been done long ago had the state been able to command the funds for such projects. The Act proposed would, of course, necessitate the setting up of agencies charged with investigating and controlling such projects.

GARNISHMENT OF WAGES

In these times of depression and little or no work for the wage-earner there is widespread agitation concerning the matter of garnishment of wages. Pleas have come to me from all sections of the state to include this subject in my call of a special session. It is pointed out that when a man or woman is fortunate enough to secure work after six months or a year or two years of idleness his or her wages are promptly garnisheed by some creditor up to the legal limit, regardless of the worker's need or willingness to pay as much of the debt as may be possible with regard for the wants of his family. These garnishments are distressing to the worker and in some instances they mean the loss of a job, as some corporations make two garnishments cause for dismissal of the employe.

I do not hold with those who turn a pretty phrase by crying that it is a case of "human need against human greed," because I recognize the justice of the claim of the creditor who has perhaps waited for months without recompense for goods or supplies furnished to the worker. But surely there should be some better way than the present one of insuring to the worker that he and his family may be sure of the necessities of life which his pay check may provide. No plea is made, of course, for the dishonest debtor, who would use this measure as a shield to keep from paying his honest debts, but I believe these cases are rare. I therefore recommend that you enact an amendment to the existing statute so as to protect the pay check of a wage-earner up to fifty dollars. It seems that this is an emergency measure that might well be enacted without serious injury to anyone.

AUTOMOBILE LICENSE FEES

At your regular session you enacted a bill declaring certain fees for automobile registration. By common report it was the intention of the assembly to create two classes of cars for purposes of licensing, these being commonly termed "large" and "small." Evidently it was intended that the fee for the large car was to be ten dollars, while the fee for the small car should be only five dollars.

But when this measure went to the Governor's office it was discovered that an error had been made in its enrollment whereby there was imposed a flat rate of ten dollars on all cars. The Assembly had adjourned and the bill could not be returned for correction, and because of other features in the measure it was approved by the Governor.

This matter is submitted to you with the recommendation that this correction in the law be made by amendment of the existing statute.

In this connection I cannot refrain from suggesting that the extremest care be exercised in the enrollment of bills by the proper authorities of the two Houses. Experience at the regular session demonstrated that constant vigilance must be exercised if errors are to be avoided.

EIGHT-HOUR WORK DAY

House Bill No. 166, entitled: "An Act prescribing the hours of labor for persons employed in retail stores; persons employed in delivering goods sold in such stores," etc., was enacted at the regular session. In ex-

aming the measure I became convinced that in its enrolled state the bill would work an injustice that would outweigh any good that could be accomplished under it. Several delegations of union labor men called to urge that the bill be approved, but when its faults were pointed out it was declared that the bill presented to the Governor was not the measure upon which House and Senate had agreed. Accordingly the bill was vetoed; this, I may add, meeting the approval of the protagonists of the bill as originally passed.

The subject is submitted to you for such action as you may desire to take.

STATE LIQUOR STORES

You have at your Regular Session decreed that the state shall embark in the liquor business. I am thoroughly convinced that the people of Montana will have no more of the open saloon as we knew it in the pre-prohibition days. But while you provided the machinery for embarking upon the business you made no specific appropriation for beginning operations. True, you provided that the State Liquor Control Board might become indebted in a sum not to exceed twenty-five thousand dollars in getting its business established.

Manifestly, this sum is woefully inadequate for a business that is intended to be conducted in each of the fifty-six counties of the state. I therefore recommend that you make an independent appropriation of one hundred thousand dollars to provide for the initial expenses which the Liquor Control Board must incur. It seems that you may do this in all safety, for the optimistic proponents of the system prophesy that this will find its way back to the treasury within a very few weeks.

INDEBTEDNESS OF COUNTIES

It becomes more and more apparent as the weeks go by that there must be additional legislation relating to funding and refunding indebtedness if some of our counties, municipalities and other political subdivisions are to be saved from default of bonds hitherto issued. In fact, in a few instances default has already occurred. It is urged by these debtors and bondholders alike that this body enact legislation that will make possible a readjustment of the indebtedness on terms satisfactory to both parties to the contract and thus save the good name of the county or district involved in the transaction. Such action on your part is recommended.

REDEMPTION FROM TAX LIENS

From all parts of the state come appeals for action by this body in the matter of the time allowed for redemption of real estate from tax liens. It is not pleasant to recur so frequently to the depression and the troubles that come with it, but you will doubtless agree with me that the state might well help its realty owners and taxpayers by legislation that, it can be hoped, will tide them over a situation that promises to deprive many of them of all the property they own and on which they have paid taxes for many years. I therefore recommend that you enact a measure that will extend the time for redemption to at least five years.

APPROPRIATIONS

Some of the measures herein recommended to you will necessitate appropriations in order to make them effective, and I recommend that in such cases you make as liberal provision as the exigencies of the situation may dictate.

IN CONCLUSION

Finally, let me express the hope that in all your deliberations you may be as expeditious as possible. We are here to work out a solution for a situation for which none of us is responsible. The matter of politics is not involved, and we should meet and confer and legislate with only one aim; the high and holy purpose of enacting laws that will be for the ultimate good of the whole people and that will make it impossible that any citizen within our borders shall suffer from cold or hunger so long as the depression continues. We are all charged with perhaps the gravest responsibility that the state has ever imposed upon its lawmakers, and I look to you to discharge that trust as patriotic citizens of Montana, to the everlasting credit of yourselves and to the enhancement of the welfare of all our people. To this end I shall be proud to work with you with all my heart and soul.

President pro tem of the Senate appointed Senators Campbell and Duncan and Representative Mulholland to escort the Governor to his chamber.

It was moved by Senator Kane, duly seconded and carried, that one thousand copies of the Governor's Message be printed for the use of the members of the House and Senate and other State Officers of the State of Montana.

It was moved by Senator Kane, duly seconded and carried that the Joint Assembly dissolve and that the Senate retire to the Senate Chamber. House Resumed. Mr. Speaker in the Chair.

It was moved by Besancon, duly seconded and carried, that the House recess, until 2:30 P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

It was moved by Besancon, duly seconded and carried, that the Speaker appoint a committee of three members to investigate matter of error in enrolling House Bills Number 237 and Number 166, at the last regular session, and that such investigation and the result thereof have no bearing whatever on or with the enrolling or employment committee in the selection and recommendation of a person for Enrolling Clerk at this Extraordinary Session.

It was moved by Besancon, duly seconded and carried, that the Governor's call of this session be entered in full in the Journal as a part of this day's proceedings.

BY THE GOVERNOR OF THE STATE OF MONTANA— A PROCLAMATION

Whereas, Section 11 of Article VII of the Constitution of the State of Montana provides that the Governor may on extraordinary occasions convene the Legislative Assembly; and

Whereas, The nation-wide economic depression has created a serious emergency in this state, due to widespread unemployment and consequent indigence and dependence of a large portion of the people of the state; and

Whereas, Great distress exists within the State of Montana, and many citizens are in want for the necessities of life, and many are without employment, without means of support and unable to care for themselves and their families; and

Whereas, The Congress of the United States has enacted certain legislation which authorizes the giving of assistance to citizens of the State of Montana in case the state shall provide in part for such relief, and has enacted a law commonly known as the "National Industrial Recovery Act," which permits the advance of Federal Funds for the construction of public works in the several states; and

Whereas, It is necessary that the Legislative Assembly of this state enact legislation whereby the state and its subdivisions and the citizens thereof may avail themselves of the benefits of such legislation; and

Whereas, Other emergencies and requirements have arisen since the adjournment of the regular session of the Twenty-third Legislative Assembly; and

Whereas, In the opinion of the Governor it is imperative that legislation be enacted immediately to relieve the needy and destitute citizens of this state from want and deprivation by the provision of direct relief or work relief, or both; to cooperate with the Federal Government in its program of national recovery, and to prevent disaster in this critical emergency; and by reason thereof an extraordinary occasion has arisen and now exists as contemplated in the Constitution of this State for the calling of a Special Session of the Legislative Assembly and requiring the consideration by that body of each of the matters hereinafter specified;

NOW THEREFORE, I, F. H. Cooney, Governor of the State of Montana, under and by virtue of the power and authority in me vested by the Constitution, do hereby convene the Twenty-third Legislative Assembly in Extraordinary Session at Helena, the Capital, at the hour of 10 o'clock A. M. on MONDAY, THE TWENTY-SEVENTH DAY OF NOVEMBER, A. D. 1933, for the purpose of considering the legislation herein referred to and taking such action thereon as it may deem wise or expedient.

The purposes for which the Legislative Assembly is convened are as follows:

First. To clarify and broaden the powers and duties of the Montana Relief Commission; to enact legislation and taxation measures necessary to provide funds for the support and relief of the needy and for their employment; for the financing of direct relief or work relief, or both to broaden the scope of existing legislation relative to the administration of such relief by the state or political subdivisions thereof; and for the distribution of such funds.

Second. To authorize and empower the state, counties, cities, towns, school districts, special improvement districts, or any governmental or political subdivisions or agencies of the state to obtain grants, loans or advances from the United States upon such terms as the President shall prescribe for the construction, repair or improvement of any public works project authorized by the National Industrial Recovery Act, or any similar legislation subsequently enacted by the United States, and to secure the benefits of such Acts; to construct, finance or aid in the construction or financing of such public works projects; to borrow money; to issue bonds; to convey land; to sell any real or personal property in connection with any such projects; or to lease any such property from the United States Government with or without the privilege of purchase; to enter into any contracts, agreements or arrangements to secure the construction of public works; and to provide for the repayment of any loans made.

Third. To legislate relative to the proper conservation and use of water, the construction of public works which may include reservoirs, dams, diversion canals, distributing canals, pumping plants, power lines, lateral ditches and other means of conservation and distribution of the waters of this state, and to create the necessary agencies to investigate, direct, control or assist such projects.

Fourth. To modify the exemption laws of this state.

Fifth. To amend and correct the law in relation to license fees for motor vehicles.

Sixth. To enact a law limiting the hours of labor.

Seventh. To provide for an appropriation in order to establish the State Liquor Stores authorized by Chapter 105 of the Laws of the Twenty-third Legislative Assembly of the State of Montana, commonly known as the "State Liquor Control Act."

Eighth. To permit counties, cities, towns, school districts and other municipal corporations or subdivisions of the state to fund or refund indebtedness.

Ninth. To amend the law in relation to the time for redeeming real estate from tax liens.

Tenth. To provide for expenses of the Extraordinary Session hereby called and to make the appropriations necessary to carry out the legislation enacted.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the state to be affixed. DONE at the City of Helena, the Capitol, this the tenth day of November, in the year of our Lord one thousand nine hundred thirty-three.

(SEAL)

By the Governor:

F. H. COONEY,

SAM W. MITCHELL,
Secretary of State.

It was moved by O'Connell that the Speaker appoint a committee of three members to visit the Governor and urge him to send a suggestion to the House to enact a bill to provide a law that the House Journal will be conclusive evidence of the intent of the legislature.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

The following communications from the Senate were received and read:

November 27, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that pursuant to the call of His Excellency, the Governor, Frank H. Cooney, the Senate of the Twenty-third Legislative Assembly, convened in Extraordinary Session at 10:00 o'clock A. M., this day. Roll call having been taken, a quorum found present, on motion of Senator Kane, the President pro tem appointed Senators Larson, Walker and Thien as a committee to notify the Governor that the Senate was organized and ready for business. Senators Husband, Sparling and Kalberg were appointed by the President pro tem to notify the House that the Senate was duly organized and ready for business.

At this time the election of a secretary, to succeed Hon. J. Frank Cone, deceased, was ordered, and Claude J. McAllister was duly elected to such position and assumed his oath of office administered by the President pro tem.

Moved by Senator Cooper, duly seconded and carried, that the organization of the Twenty-third Legislative Assembly, including only the Sergeant-at-Arms and the Chaplain, be adopted, and that the Committee

on Employment be authorized to arrange for any further help necessary to conduct the business of the Senate of the Extraordinary Session of the Twenty-third Legislative Assembly.

Moved by Senator Kane, duly seconded and carried, that the joint rules of the Twenty-third Legislative Assembly be adopted as the Joint Rules of the Extraordinary Session of the Twenty-third Legislative Assembly, by and with the concurrence of the House of Representatives.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

November 27, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Kane, duly seconded and carried, a committee of three members was appointed by the President pro tem to draft resolutions on the death of Honorable J. Frank Cone, former Representative, State Senator and Secretary of the Senate, as follows:

Senators Cooper, Walker and Corwin.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

November 27, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Employment this day submitted the following report containing list of employees selected for the Senate organization, report adopted:

T. J. Bushell, Assistant Sergeant-at-Arms.
M. B. Reynolds, Assistant Sergeant-at-Arms.
Margueritte Moore, Bill Clerk.
Ben Lamb, Journal Clerk.
Edna J. Hinman, Secretary to Secretary of Senate.
Elizabeth Knopf, Secretary to Sergeant-at-Arms.
Clara Reece, Elevator.
Margaret Eyre, Elevator.
Fred Valiton, Doorkeeper.
Ed Wolverton, Doorkeeper.
Norman Bruce, Doorkeeper.
D. Bingaman, Doorkeeper.
Marion Hefferen, Janitor.
Charles Miles, Page.
Earl Gooley, Page.
Jack Parr, Page.
Gerald Crowley, Page.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

It was moved by Besancon, duly seconded and carried that the House recess until 3:45 P. M.

House resumed. Mr. Speaker in the Chair.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF SAME

The following bills were introduced without notice by unanimous consent of the House:

House Bill No. 2, introduced by Committee on Appropriations, read first and second times at length: A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana.

House Bill No. 3, introduced by Nutting, Snidow, Fowler, Logan, Abrahamson, Kuhl, O'Shea, Manning, Annin, Pierson, read first and second times: A bill for an Act to authorize the erection of buildings for the Eastern Montana State Normal School, to authorize the borrowing of money to pay for the construction of said buildings, to create a fund out of which the principal of and the interest upon the money so borrowed may be paid and to provide that the money, so borrowed, shall not be and never shall become a charge against the State of Montana or a liability, debt or obligation of the State of Montana. Referred to Committee on Judiciary.

NOTICES

Authors gave notice that they will on tomorrow or some subsequent day, introduce the following bills:

By Committee on Revenue and Taxation:

Mr. Speaker: I hereby give notice that I will, on tomorrow, or some subsequent day, introduce a bill entitled: "An Act to amend Section 1 (a) of Section 4, Chapter 158, Session Laws of Montana, 1933, postponing the time when the penalty shall be required for failure to pay the first half of 1933 taxes."

REVENUE AND TAXATION COMMITTEE,
I. D. Rognlien, Chairman.

REPORTS OF STANDING COMMITTEES

November 27, 1933.

Mr. Speaker: We, your Committee on Appropriations having had under consideration House Bill No. 2, A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana."

Respectfully report as follows: That House Bill No. 2 do pass.

SHANNON, Chairman.

Upon motion by Shannon report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried that House Bill No. 2 be considered correctly printed and placed on General Orders.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Besancon in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

"Mr. Speaker: We your Committee of the Whole having had under consideration House Bill No. 2 beg leave to report as follows:

That House Bill No. 2 do pass.

BESANCON, Chairman.

It was moved by Besancon, duly seconded and carried, that the report of the Committee of the Whole be adopted.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried that House Bill No. 2 be considered correctly engrossed and placed for third reading.

THIRD READING OF HOUSE BILLS

House Bill No. 2, introduced by Committee on Appropriations, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Givens, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvei, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Neistead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Roll, Rolph, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Woodcock, Mr. Speaker: Total: 96.

Noes: Goodwin, Replogle. Total 2.

Absent and not voting: Blankenbaker, Knowles, Wigal. Total: 3.

The Speaker: Ninety-six have voted "Aye", two have voted "No"; House Bill No. 2 has passed the House.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 A. M., Tuesday, November 28th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

SECOND DAY

House of Representatives,

Helena, Montana, November 28, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present except the following:

Wigal absent and Findlater and Blankenbaker excused.

NOTICES

Authors gave notice that they will, on tomorrow or some subsequent day, introduce the following bills:

By Marshall: An Act entitled an Act to permit the erection and operation of student's union buildings at the state educational institutions of the State of Montana, and to authorize the financing thereof in conformity with the National Industrial Recovery Act.

By O'Connell: A bill for an Act entitled: "An Act to amend Section 7675 of the Revised Codes of Montana, 1921, relating to the lien and right of possession of hotel, boarding house and lodging house keepers, and excepting from such lien and right of possession certain property."

By O'Connell: A bill for an Act entitled: "An Act amending Section 9429 of the Revised Codes of Montana, 1921, as amended by Chapter 3 of the Session Laws of the Twenty-third Legislative Assembly in regular session, providing for the exemption from attachment, garnishment and/or execution of the earnings of a judgment debtor and repealing all Acts and parts of Acts in conflict herewith."

Mr. Speaker appointed Nelstead and Besancon to escort Hon. Scott Leavitt, former Congressman, to the rostrum of the House.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND
SENATE

November 27, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

It is communicating no startling information to this honorable body when I say to you that the thirtieth day of the present month will bring a crisis in the life of many a taxpayer in the State of Montana unless this session can enact some measure of relief before that day has passed. The last day of November is the deadline for the payment of the installment of taxes due for the year 1933.

In many sections of the state there are numerous taxpayers who will receive moneys from the Federal Government under the allotment plan, but unfortunately these payments are not expected before January next. To state the fact simply, with these funds the taxpayers will be enabled to pay the first installment while without them they cannot. If they do not, under the existing statutes the penalty for non-payment becomes operative.

It is suggested that this body may enact a law that will extend the time for this payment until the first of February, 1934, without penalty, and it appeals to me as a measure that should be passed for the benefit of a large proportion of our people. Feeling thus, I am constrained to submit the question to you for appropriate and immediate action.

F. H. COONEY, Governor.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND
READING OF THE SAME

The following bill was introduced, read first and second time, and referred to Committee on Revenue and Taxation.

By Committee on Revenue and Taxation: A bill for an Act entitled: "An Act to amend Section 1 (a) of Section 4, Chapter 158, Session Laws of Montana, 1933, postponing the time when the penalty shall be required for failure to pay the first half of 1933 taxes."

The following bill was introduced, without notice, by unanimous consent of the House.

By Committee on Revenue and Taxation: A bill for an Act entitled: "An Act to amend Section 2 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, and Section 3 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, as amended by Chapter 141 of the Twentieth Legislative Assembly of 1927, relating to tax on direct and collateral inheritances, bequests and devises, and to provide for its assessment and collection." Referred to Committee on Revenue and Taxation.

It was moved by Besancon, duly seconded and carried, that the House recess for 20 minutes.

House resumed. Mr. Speaker in the Chair.

NOTICES

Authors gave notice that they will on tomorrow or some subsequent day, introduce the following bills:

November 27, 1933.

Mr. Speaker: I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill entitled:

An Act to permit the amortization of delinquent taxes on real estate; providing the terms and conditions thereof, and repealing all Acts and parts of Acts in conflict herewith.

GROENE, Fergus.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 4. A bill for an Act entitled: "An Act to amend Section 1 (a) of Section 4, Chapter 158, Session Laws of Montana, 1933, postponing the time when the penalty shall be required for failure to pay the first half of 1933 taxes."

Respectfully report as follows: That House Bill No. 4 do pass.

ROGNLIEN, Chairman.

On motion by Rognlien, report adopted.

It was moved by Rognlien, duly seconded and carried that House Bill No. 4 be considered correctly printed and placed on General Orders.

It was moved by Besancon, duly seconded and carried that the House resolve itself into a Committee of the Whole for consideration of General Orders.

CONSIDERATION OF GENERAL ORDERS

Beadle in the Chair.

Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 4 recommend that same do pass.

KERR BEADLE, Chairman.

MOTIONS AND RESOLUTIONS

It was moved by Rognlien, duly seconded and carried, that House Bill No. 4 be considered correctly engrossed and placed for Third Reading.

THIRD READING OF HOUSE BILLS

House Bill No. 4 introduced by Committee on Revenue and Taxation, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Woodcock, Mr. Speaker. Total 89.

Noes: None.

Absent and not voting: Arnold, Blankenbaker, Findlater, Givens, Knowles, O'Connell, Pierson, Porter, Stevens (Wheatland), Strange, White, Wigal. Total: 12.

MOTIONS AND RESOLUTIONS

It was moved by Love, duly seconded and carried, that a financial report relative to the status of the General Fund and the University Millage Fund and the relation of the four and one-half million dollar bond issue thereto, be furnished each member of the House as of the close of business October 31, 1933.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

House resumed. Mr. Speaker in the Chair.

NOTICES

Authors gave notice that they will on tomorrow or some subsequent day introduce the following bills:

Mr. Speaker: We hereby give notice that we will on tomorrow or some subsequent day, introduce a bill entitled: A bill for an Act entitled: "An Act legalizing and validating all elections heretofore held in any city or town of this state, authorizing the creation or increase of the indebtedness of such city or town within or exceeding three percentum of the total assessed valuation of the taxable property of said city or town, as ascertained by the last assessment for state and county purposes, for any of the purposes set forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as amended, and Section 1, Chapter 160, Session Laws of Montana, 1931, which elections were held after notice published and posted, as provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at which the proposal to create or increase said indebtedness received a majority of all votes tendered and of all votes cast at such election."

J. W. WOODCOCK,
D. J. LEWIS.

Mr. Speaker: I hereby give notice that I will on tomorrow or some subsequent day introduce a bill entitled: A bill for an Act entitled: "An Act levying a license tax on electricity and electrical energy, generated,

manufactured or produced in the State of Montana, for barter, sale or exchange and providing for the collection of such taxes and prescribing penalties for the violation of this Act."

BERT REPLOGLE.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We your Committee on Employment, having had under consideration applications for the various positions, recommend that the following be employed:

JANITORS—

John Byrne, Lewis and Clark County.
George Klie, Lewis and Clark County.
Mike Foley, Silver Bow County.
George Deppmier, Hill County.

DOORMEN—

Vincent Reiter, Dawson County.
John M. Caplis, Missoula County.

SERGEANT-AT-ARMS—

First Assistant: Horace Casey, Silver Bow County.
Second Assistant: Pat Holland, Silver Bow County.

TELEPHONE OPERATORS—

Beulah Harris, Cascade County.
Ruth Schlenske, Glacier County.

CHIEF CLERK'S SECRETARY—

Nellie Raw, Rosebud County.

COMMITTEE SECRETARY—

Nondya Young, Stillwater County.

ELEVATOR OPERATORS—

Julius McMann, Roosevelt County.
Johnnie McGrath, Carbon County.

EXECUTIVE SECRETARIES—

Bess Kuster—Mr. Dellwo.
Catharine Pierson—Mr. Besancon.

PAGES—

Robert Dellwo, Lake County.
Pete Curran, Silver Bow County.
John Allen, Lewis and Clark County.

PROOF READERS—

Hilda Cunningham, Cascade County.
Kitty Hawe, Silver Bow County.
Miss Higgins, Powder River County.

FLOOR STENOGRAPHERS—

Evelyn Coffey, Roosevelt County.
Dolores Ellers, Yellowstone County.
Margaret Gilbert, Custer County.
Esther Coutu, Lewis and Clark County.
Joe Theile, Yellowstone County.

THIRD ASSISTANT TO SERGEANT-AT-ARMS—

Pete O'Connor, Silver Bow County.

NIGHT WATCHMAN—

Omere Reginer, Lake County.

ENGROSSING CLERK—

Elsie Folsom, Cascade County.

ASSISTANT ENGROSSING CLERK—

Edith Pruner, Gallatin County.

JOURNAL CLERK ASSISTANT—

Donald Thomson, Wheatland County.

CLERK TO APPROPRIATIONS COMMITTEE—

James Giovanette, Sanders County.

READING CLERK—

Bruce Dalton, Cascade County.

A. T. PORTER, Chairman

Employment Committee.

On motion by Roll, report adopted.

"Mr. Speaker: We, your Committee on Mileage and Per Diem, beg to submit the following report, indicating the number of miles traveled by the following members of the House, and the sums due them therefor, for the Extraordinary Session of the Twenty-third Legislative Assembly, convening November 27, 1933."

It was moved by Besancon, duly seconded and carried, that the report be considered read at length and entered in the Journal.

Name	City	Number of Miles	Amount at 7c
Abrahamson, John C., Roberts		510	\$35.70
Acher, John W., Zurich		504	35.28
Anderson, Eric, Regina		706	49.42
Annin, J. T., Columbus		396	27.72
Arnold, John, Birney		860	60.20
Balgord, O. P., Lavina		388	27.16
Ballard, Jack, Carlyle		1052	73.64
Beadle, M. Kerr, Butte		144	10.08
Besancon, Albert, Missoula		238	16.66
Bjorneby, E. G., Kalispell		498	34.86
Blankenbaker, V. F., Virgelle		344	24.08
Breitenstein, A. J., Havre		442	30.94
Byrne, E. J., Galata		492	34.44
Campbell, Ray C., Great Falls		196	13.72
Chapman, D. W., Peerless		1222	85.54
Conner, J. B., Farmington		314	21.98
Cusker, Dolly, Poplar		890	62.30
Daugherty, D. E., Baker		938	65.66
Dellwo, D. A., Charlo		356	24.92
Doe, Everett, Phillipsburg		194	13.58
Doran, Tod, Butte		144	10.08
Duffy, James L., Havre		442	30.94
Ecton, Zales, Manhattan		158	11.06
Ferry, John F., Butte		144	10.08
Findlater, R. P., Miles City		770	53.90
Fitzstephens, Joseph, Belgrade		178	12.46
Fowler, C. W., Billings		478	33.46
Freed, Eldon, Winnett		540	37.80
Freudenstein, Lou, Butte		144	10.08
Givens, Frank, Great Falls		196	13.72
Goodwin, Phil C., Butte		144	10.08
Grabow, Edward, Livingston		246	17.22
Green, Harry R., Lindsay		976	68.32
Groene, Merle C., Lewistown		430	30.10
Hagerty, Dave J., Miles City		770	53.90
Haight, Herbert, Suffolk		504	35.28
Harlen, Harry C., Chinook		486	34.02
Harrington, J. J. Butte		144	10.08
Hilger, Peter, Helena	
Holecsek, J. F., Lewistown		430	30.10

Jensen, W. H., Great Falls	196	13.72
Knowles, S. H., Boulder	68	4.76
Kruse, Albert H., Brusett	994	69.58
Kuhl, Herman E., Luther	596	41.72
Larsen, Leonard E., Anaconda	196	13.72
Lewis, David J. Sioux Pass	1074	75.18
Logan, E. U., Billings	478	33.46
Lott, M. J., Twin Bridges	262	18.34
Love, J. B., Glendive	928	64.96
McCarvel, Thomas F., Anaconda	196	13.72
McDermott, Peter, Butte	144	10.08
McElwain, L. C., Deer Lodge	124	8.68
Manning, D. M., Hysham	626	43.82
Marshall, M. R., Missoula	238	16.66
Mason, George R., Helena
Metlen, Joe, Armstead	324	22.68
Miles, Ben B., McLeod	432	30.24
Miller, Robert J., Lodge Grass	692	48.44
Miller, Timothy, Libby	776	54.32
Moss, G. M., Whitefish	532	37.24
Mulholland, M. J., Butte	144	10.08
Nass, J. N., Glasgow	748	52.36
Nelstead, T. E., Ekalaka	1062	74.34
Nutting, L. A., Laurel	448	31.36
O'Connell, J. J., Butte	144	10.08
O'Shea, James, Roberts	512	35.70
Parker, Neil C., Creston	498	34.86
Parker, W. K. Radersburg	90	6.30
Pierson, G. W., Billings	478	33.46
Pilgeram, W. P., Armington	254	17.78
Porter, A. T., Stevensville	294	20.58
Quamme, T. N., Brady	306	21.42
Ragen, D. J., East Helena	20	1.40
Ralston, H. M., Glacier Park	538	37.66
Rearden, John D., Great Falls	196	13.72
Reardon, Ray, Anaconda	196	13.72
Replogle, Bert, Lewistown	430	30.10
Rognlien, I. D., Kalispell	498	34.86
Roll, Fritz, Great Falls	196	13.72
Rolph, H. D., Joplin	500	35.00
Schuster, Andrew L., Avondale	860	60.20
Setzer, G. W., Malta	618	43.26
Shannon, R. W., Thompson Falls	444	31.08
Snidow, T. A., Billings	478	43.46
Somerville, Thomas, Wilsall	302	21.14
Spangler, R. W., Superior	366	25.62
Sparling, Harry, Medicine Lake	1050	73.50
Stephens, G. C., Circle	1032	72.24
Stevens, I. T., Harlowton	298	20.86
Stiefel, E. A., Belgrade	178	12.40
Strange, M. P., Stevensville	306	21.42
Sullivan, Dan, Butte	144	10.08
Trenne, M. P., Poplar	890	62.30
Ueland, Andrew, Outlook	1120	78.40
Waite, W. T., Broadus	944	66.08
Watson, A. H., White Sulphur Springs	230	16.10
Watson, Fred, Missoula	238	16.66
Whaley, James, Fallon	888	62.16
White, B. C., Buffalo	414	28.98
Woodcock, J. W., Fort Benton	284	19.88

Total

\$3,186.26

MOTIONS AND RESOLUTIONS

House Joint Resolution No. 1, entitled: "A Resolution concerning the passage and approval of a bill when introduced by the Honorable Burton K. Wheeler, United States Senator from Montana in the next session of Congress; fixing the Free and Unlimited Coinage of Silver on a Basis of Sixteen Ounces of Silver to one Ounce of Gold.

Introduced by Beadle, was upon motion by Beadle duly seconded and adopted.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND
READING OF THE SAME

The following bills were introduced, read first and second times, and referred to committees:

House Bill No. 6, introduced by Groene: An Act to permit the amortization of delinquent taxes on real estate; providing the terms and conditions thereof, and repealing all Acts and parts of Acts in conflict herewith. Committee on Revenue and Taxation.

House Bill No. 7, introduced by Beadle: A bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana, of an amendment to Section Four (4) of Article Eighteen (18) of the Constitution of the State of Montana, relating to the hours of labor in all industries, occupations, undertakings and employments." Committee on Constitutional Amendments.

MOTIONS AND RESOLUTIONS

It was moved by O'Connell, duly seconded and carried, that a committee of three members be appointed by the Speaker to investigate the removal of furniture belonging to the House, to various Federal Departments in the City of Helena and make appropriate recommendation.

It was moved by Besancon, duly seconded and carried, that the House recess until 3:30 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

November 28, 1933.

The Speaker,
House of Representatives,
Helena.

As the members of this Honorable Body no doubt know, the plans of the Federal Government with respect to the expansion of irrigation projects in Montana will necessitate much greater activity in the office of our State Engineer. In order that we may fully avail ourselves of the terms of the Act under which these projects are to be initiated and completed, we must make provision for the preparatory work necessary to be done at home, and a great deal of these details will naturally fall to the lot of the State Engineer's Department.

I therefore recommend that at this Extraordinary Session you enact an appropriation measure carrying sufficient moneys for the prosecution of this department's work for the period ending June 30, 1934.

F. H. COONEY,
Governor.

NOTICES

Authors gave notice that they will, on tomorrow or some subsequent day, introduce bills as follows:

Mr. Speaker: I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill entitled: A bill for an Act permitting the operating of certain games of chance; stipulating under what regulations the operation thereof may be legal, providing for a license fee therefor, its collection and disposition and repealing all Acts and parts of Acts in conflict therewith.

GROENE, Fergus.

Mr. Speaker designated Spangler, Beadle and Setzer to investigate errors in enrolling House Bills Nos. 237 and 166, under motion made by Besancon, November 27.

Mr. Speaker designed Freudenstein, Chairman; Daugherty and Green of Dawson to investigate the removal of furniture belonging to the House, under motion made by O'Connell today.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND
SENATE

November 28, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced in the Senate, read first and second time, and referred to committee.

H. B. No. 4, by Committee on Revenue and Taxation, referred to Committee on Taxation.

Committee on Taxation recommended that bill be concurred in, report adopted, bill referred to General File.

The Committee of the Whole Senate, having had under consideration H. B. No. 4, introduced by Committee on Revenue and Taxation, recommended that the bill be concurred in, report adopted, bill referred to calendar for third reading.

H. B. No. 4, introduced by Revenue and Taxation Committee, was read three several times and concurred in, title and history agreed to, and same is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

November 28, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced in the Senate, read first and second time, and referred to committees:

H. B. No. 2, by Committee on Appropriations. Referred to Committee on Finance and Claims.

The Committee on Finance and Claims recommended that the bill be concurred in, report adopted, and bill referred to General File.

The Committee of the Whole Senate, having had under consideration H. B. No. 2, introduced by Appropriation Committee, recommended that the bill be concurred in, report adopted, and bill referred to calendar for third reading.

H. B. No. 2, introduced by Appropriations Committee was read three several times and concurred in, title and history agreed to, and same is herewith returned to the Huse.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

November 28, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following resolution, by Senator Eaton, was this day read and adopted:

"WHEREAS, the main purpose of this Extraordinary Session is to consider relief measures, and whereas there are many questions coming up relative to the administration of relief and there appears to be no standing committee of Senate or House whose specific duty is to consider such matters;

"THEREFORE BE IT RESOLVED that a special committee of five be appointed from the Senate to confer with a like committee from the House for the purpose of considering matters coming before the Legislature pertaining to Federal, State and Local Relief." Signed, Eaton.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

November 28, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that S. B. No. 1, was this day introduced by the Committee on Counties and Towns, read first and second time, and referred to the Committee on Counties and Towns.

S. B. No 1, by Committee on Counties and Towns. A bill for an Act entitled: "An Act relating to and to permit counties, cities, towns, school districts and other municipal corporations or subdivisions of the state to fund or refund indebtedness and to provide methods therefor."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

November 28, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Notices of Introduction of Bills were this day received:

By Lamp, Husband, Rowland, Simmons, Parkin, Angvick, Kelsey, Corwin and Coburn: A bill for an Act entitled: "An Act to amend Section 4 of Chapter 160 of the Montana Session Laws of 1931, relating to the issuing of bonds by incorporated cities and towns, providing that such bonds shall not be issued for a longer term than thirty (30) days, and providing the procedure and the duties of city and town officers in connection therewith, and adding thereto a new section to be designated Section 4-A authorizing cities and towns that have prior to the time this Act takes effect initiated but have not completed bonding proceedings, or that have authorized the issuance of bonds to run through a period of time

not greater than twenty years but which have not yet been issued and sold, to issue bonds to run through a period of time not greater than thirty years and validating any bonds so issued for the longer period of time."

By Simmons: A bill for an Act entitled: "When Writ of Attachment not to be issued and levied."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

The following resolution was submitted:

House Resolution No. 1, introduced by Beadle:

HOUSE RESOLUTION NO. 1

WHEREAS, the main purpose of this Extraordinary Session is to consider relief measures, and whereas there are many questions coming up relative to the administration of relief and there appears to be no standing committee of Senate or House whose specific duty is to consider such matters;

THEREFORE BE IT RESOLVED that a special committee of five be appointed from the House to confer with a like committee from the Senate for the purpose of considering matters coming before the legislature pertaining to Federal, State and Local Relief.

BEADLE of Silverbow.

Upon motion of Beadle, duly seconded and carried, resolution adopted.

It was moved by Besancon, duly seconded and carried, that E. P. Sullivan, be elected as Enrolling Clerk of the House.

It was moved by O'Connell, duly seconded and carried, that Mimi Millegan be elected Assistant Enrolling Clerk.

Mr. Speaker designated O'Connell, Besancon and Moss to visit the Governor and urge him to send a suggestion to the House to enact a bill to provide a law that the Supreme Court would use the House Journal as conclusive evidence of the intent of the legislature, under motion made by O'Connell today.

It was moved by Besancon, duly seconded and carried that the House now adjourn until 10:00 A. M., Wednesday, November 29th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

THIRD DAY

House of Representatives.

Helena, Montana, November 29, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present except the following:

Wigal absent and Blankenbaker excused.

"Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the first day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman."

Without objection, report adopted.

"Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the second day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman."

Without objection, report adopted.

NOTICES

Authors gave notice that they will, on tomorrow or some subsequent day, introduce the following bills:

By Watson (Missoula) and Marshall: A bill for an Act entitled: "An Act to amend Section 571 of the Revised Codes of the State of Montana of 1921 relating to compensating of County Clerks for furnishing poll books."

By Watson (Missoula) and Marshall: A bill for an Act entitled: "An Act to amend or repeal certain Sections of Chapter 25 of the Session Laws of the State of Montana of 1927; relating to the calling of elections for the purpose of issuing bonds and authorizing the Board of Trustees to call such elections without a petition; to fixing the amount and kind of bonds; to notice of the elections."

By Pilgeram and Rearden (Cascade): A bill for an Act entitled: "An Act to fix the legal interest rate for the State of Montana."

By Mulholland: A bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in retail stores; persons employed in delivering goods sold in such stores; persons employed in wholesale warehouses used for supplying retail establishments with goods, and persons employed in delivering goods to retail establishments from such wholesale warehouses, and providing penalties for a violation thereof."

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 3, entitled: "An Act to authorize the erection of buildings for the Eastern Montana State Normal School, to authorize the borrowing of money to pay for the construction of said buildings, to create a fund out of which the principal of and the interest upon the money so borrowed may be paid and to provide that the money, so borrowed, shall not be and never shall become a charge against the State of Montana or a liability, debt or obligation of the State of Montana.

Respectfully report as follows: That House Bill No. 3 do pass.

GROENE, Chairman.

On motion of Groene, report adopted.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bills were introduced, read first and second times, and referred to committees:

By Woodcock, Lewis and Shannon: A bill for an Act entitled: "An Act legalizing and validating all elections heretofore held in any city or town of this state, authorizing the creation or increase of the indebtedness of such city or town within or exceeding three percentum of the total assessed valuation of the taxable property of said city or town, as ascertained by the last assessment for state and county purposes, for any of the purposes set forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as amended, and Section 1, Chapter 160, Session Laws of Montana, 1931, which elections were held after notice published and posted, as provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at which the proposal to create or increase said indebtedness received a majority of all votes tendered and of all votes cast at such election." Referred to Committee on Judiciary.

House Bill No. 9, introduced by Marshall: A bill for an Act entitled: "An Act to permit the erection and operation of students' union buildings at the State Educational Institutions of the State of Montana, and to authorize the financing thereof in conformity with the National Industrial Recovery Act." Referred to Committee on Judiciary.

House Bill No. 10, introduced by O'Connell: A bill for an Act entitled: "An Act to amend Section 7675 of the Revised Codes of Montana, 1921, relating to the lien and right of possession of hotel, boarding house and lodging house keepers, and excepting from such lien and right of possession certain property." Referred to Committee on Judiciary.

House Bill No. 11, introduced by O'Connell: A bill for an Act entitled: "An Act providing for the exemption from attachment, garnishment and/or execution of the earnings of a judgment debtor repealing Section 9420 of the Revised Codes of Montana, 1921, as amended by Chapter 3 of the Session Laws of the Twenty-third Legislative Assembly in regular session, and all Acts and parts of Acts in conflict herewith." Referred to Committee on Judiciary.

It was moved by Besancon, duly seconded and carried, that the House recess until 1:30 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

Mr. Speaker designated McCarvel of Deer Lodge, Hagerty of Custer, Shannon of Sanders, Fowler of Yellowstone and Sparling of Sheridan as the committee to act under House Resolution No. 1.

REPORTS OF STANDING COMMITTEES

November 29, 1933.

Mr. Speaker: We, your committee on Enrolling, beg leave to report the following bills correctly enrolled:

House Bill No. 2.

L. E. LARSEN, Chairman.

Without objection, report adopted.

The Speaker gave notice that he was about to sign House Bill No. 2, and thereupon signed the same, in the presence of the House.

MOTIONS AND RESOLUTIONS

House Joint Resolution No. 2, entitled: "A Resolution inviting the Honorable Franklin D. Roosevelt, President of the United States, to visit Glacier National Park and elsewhere in Montana."

Introduced by Ralston, was on motion by Ralston, adopted.

It was moved by Holecek, that House Rule No. 45 be amended to read as follows: Part One (1). The Committee on Enrollment shall not report any bill as correctly enrolled, until same shall have been delivered to its author or sponsors for proof reading, or that has any words interlined therein, or when any words have been erased therefrom, except that when the title of any bill shall begin with the words, "A bill for an Act, etc.," the Committee on Enrollment shall omit from the enrolled bill the words, "A bill for an Act entitled." Referred to Committee on Rules, Joint Rules, and Order of Business.

REPORTS OF STANDING COMMITTEES

November 29, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

House Bill No. 4.

L. E. LARSEN, Chairman.

Without objection, report adopted.

The Speaker gave notice that he was about to sign House Bill No. 4, and thereupon signed the same, in the presence of the House.

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 2, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 2:05 o'clock P. M., delivered to the Governor for his approval.

L. E. LARSEN, Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 5. A bill for an Act entitled: "An Act to amend Section 2 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, and Section 3 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, as amended by Chapter 141 of the Twentieth Legislative Assembly of 1927, relating to tax on direct and collateral inheritances, bequests and devises, and to provide for its assessment and collection."

Respectfully report as follows: That House Bill No. 5 be amended as follows:

Amend the title by striking out the word "and" after the word "assessment" in the next to the last line, and inserting a comma; by striking out the period and quotation marks after the word "collection"; the last word of the title and inserting the following: "and distribution," period and quotation marks.

Amend Section 2 by striking out the following words at the end of the first large paragraph on Page 3, "for the use of the state" and inserting the following words: "and distributed as hereafter provided."

Amend Section 3 by striking Sub-Section H and that Sub-Section I be designated as Sub-Section H and in lieu of Sub-Section H, add a new section numbered 3 to read as follows: Section 3. "The provisions of this Act shall apply to all estates of all decedents dying after the date when this Act takes effect and shall also apply to the estate of any decedent which has not been distributed on the date when this Act takes effect to the same extent and in the same manner as though this Act had been in full force and effect at the date of death of such decedent."

Amend by adding a new section numbered 4 reading as follows: "All inheritance taxes provided herein and by other laws of the state shall be for the use and benefit of and by the State Treasurer credited to the following: Fifty (50%) per cent thereof to the general fund of the state, twenty-five (25%) per cent to the Common School Interest and Income Fund, and twenty-five (25%) per cent to the State Common School Equalization Fund."

Amend Section 5 by adding another section numbered 5 reading as follows: "All Acts and parts of Acts in conflict herewith are hereby repealed."

Amend by renumbering Section 3 of the original bill to read "Section 6."

And that as so amended, the bill do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

Mr. Speaker appointed Beadle of Silver Bow and Nelstead of Carter to escort Congressman Monaghan to the rostrum.

MOTIONS AND RESOLUTIONS

It was moved by O'Connell, duly seconded and carried that the House of Representatives invite the Attorney General, Raymond T. Nagle, to address the House, at 2:00 o'clock Friday afternoon, on the purposes and policies of the administration under the National Recovery Act.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock Thursday, November 30th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FOURTH DAY

House of Representatives.

Helena, Montana, November 30, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present except the following:

Abrahamson, Blankenbaker, Campbell, Cusker, Doran, Ferry, Findlater, Fitzstephens, Freudenstein, Givens, Goodwin, Harrington, McDermott, McElwain, Metlen, Moss, Mulholland, Nelstead, Parker (Broadwater), Pilgeram, Rearden (Cascade), Reardon (Deer Lodge), Roll, Somerville, Spangler, Stiefel, Sullivan, Waite, Watson (Meagher), Watson (Missoula), Wigal. Total: 31.

Mr. Speaker: We your Committee on Journal, have examined the Journal of the House for the third day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection report adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bill No. 4, do hereby report that said bill, together with a copy thereof, signed by the Speaker of the House and President of the Senate, was this day, at the hour of 2:48 o'clock P. M., delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

November 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day appointed the following Senators to act as a committee from the Senate together with the committee to be named from the House for the purpose of considering matters coming before the legislature pertaining to Federal, State and Local Relief, in accordance with the resolution by Senator Eaton of November 28th:

Senators Kemmis, Rowland, Cooper, Donovan and Sparling.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

November 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 1, by Beadle, was this day introduced in the Senate, read first and second time, and referred to Committee on Mines and Mining.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

November 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Melton, duly seconded and carried, the Senate this day adjourned until Friday, December 1st, at 1:00 P. M.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

November 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day introduced in the Senate, read first and second time, and referred to committee:

S. B. No. 2, by Lamp, Husband, Rowland, Simmons, Parkin, Angvick, Kelsey, Corwin and Coburn: A bill for an Act entitled: "An Act to amend Section 4 of Chapter 160 of the Montana Session Laws of 1931, relating to the issuing of bonds by incorporated cities and towns, providing that

such bonds shall not be issued for a longer term than thirty (30) years and providing the procedure and the duties of city and town officers in connection therewith, and adding thereto a new section to be designated Section 4-A authorizing cities and towns that have prior to the time this Act takes effect initiated but have not completed bonding proceedings or that have authorized the issuance of bonds, to run through a period of time not greater than twenty years but which have not yet been issued and sold, to issue bonds to run through a period of time not greater than thirty years and validating any bonds so issued for the longer period of time." Referred to Committee on Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

November 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following notice of introduction was this day received:

By Simmons: A bill for an Act entitled: "An Act providing that in certain actions no writ of attachment shall be issued and levied upon or against certain wages and earnings of the debtor or defendant for his personal services rendered within a certain time, and providing that such wages and earnings are exempt from attachment." This notice is given in lieu of all previous notices.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

November 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Employment this day submitted the following report of employees for the Senate organization, report adopted:

Margaret Woods, Stenographer.
Alice Brusletten, Stenographer.
Josephine Daley, Stenographer.
Barbara Bell, Stenographer.
Zura Gardicia, Stenographer.
Ethel M. Chandler, Stenographer.
Margaret Fleming, Typist.
Lou E. Bretzke, Enrolling Clerk.
Bira Elder, Assistant Enrolling Clerk.
C. H. Mahoney, Printing Clerk.
T. Thomson, Watchman.
Mrs. Lawrence Moon, Proof Reader.
Peter Rorvik, Doorkeeper.
Emma Ingalls, Secretary to President.
Louise Zimmerman, Assistant Postmistress.
Paul Smith, Janitor.
Hiram Stanley, Janitor.
Ellis Smith, Clerk.
Mary Alice Duffy, Stenographer.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

Without objection Besancon was granted the unanimous consent of the House to suspend Rule 57 for one day to give the Committee on Rules, Joint Rules and Order of Business further time to report.

Without objection Mr. Speaker was granted the unanimous consent of the House, that all absent members be excused.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Friday, December 1st.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FIFTH DAY

House of Representatives,
Helena, Montana, December 1, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present except the following:

Abrahamson, Blankenbaker, Freudenstein, Givens, Goodwin, Harrington, McDermott, Metlen, Mulholland, Nelstead, Parker (Broadwater), Rearden (Cascade), Reardon (Deer Lodge), Roll, Shannon, Spangler, Stiefel, Watson (Missoula), White, Wigal.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Rules having had under consideration motion by Holecek to amend House Rule No. 45, respectfully report as follows: That said motion and rule be amended to read as follows:

Rule No. 45—Enrollment of Bills

The Committee on Enrollment shall not report any bill as correctly enrolled that has any words interlined therein or when any words have been erased therefrom, except that when the title of any bill shall begin with the words, "A bill for an Act, etc." the Committee on Enrollment shall omit on the enrolled bill the words, "A bill for an Act entitled," nor until the author of the bill, if then in attendance, or in case of a committee bill the chairman of the committee or a member of the committee designated by the chairman, if such chairman or member is in attendance, have been given an opportunity to examine the same in the presence of the chairman or some other member of the Enrolling Committee or the Enrolling Clerk.

And that as so amended the motion do pass and Rule No. 45 of the House Rules be amended and adopted all in the words as above set forth.

BESANCON, Chairman.

On motion of Besancon, report adopted.

INTRODUCTION OF BILLS AND MEMORIALS, AND
SECOND READING OF THE SAME

The following bills were introduced, read first and second times and referred to committees:

House Bill No. 12, introduced by Replogle: A bill for an Act entitled: "An Act levying a license tax on electricity and electrical energy, generated, manufactured or produced in the State of Montana, for barter, sale or exchange and providing for the collection of such taxes and prescribing penalties for the violation of this Act."

It was moved by Besancon, duly seconded and carried, that the House recess until 1:30 P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

December 1, 1933.

Mr. Speaker: We, your Committee on Highways having had under consideration House Bill No. 1 entitled:

A bill for an Act entitled: "An Act to amend Section 1 of Chapter 103 of the Montana Session Laws of 1933, and to repeal Section 3 of Chapter 158 Session Laws of 1931, relating to registration and registration fees of motor vehicles and dealers thereof and distribution of the revenues therefrom."

Respectfully report as follows: That House Bill No. 1 be amended as follows:

On page 1, Section 1, starting with line 24, the entire paragraph be stricken, and the following inserted in lieu thereof.

"Motor vehicles, weighing thirty-one hundred (3100) or under, other than motor trucks, Five Dollars (\$5.00); motor vehicles weighing over thirty-one hundred (3100) pounds, other than motor trucks, Ten Dollars (\$10.00);

On page 1, Section 1, line 20 after the semicolon after the word "dealer," that the following sentence be added:

"Provided, that each dealer be required to furnish the Registrar of Motor Vehicles a statement showing the makes of motor vehicles handled by him, and the total number of each make sold by him during the preceding year, and that he not be issued a license unless he so conforms."

On page 3, Section 1, line 20 by striking out the word "of" after the word "dealer" and before the word "motor" and inserting in lieu thereof the word "or"; and as amended do pass.

BREITENSTEIN, Chairman.

On motion of Breitenstein, report adopted.

INTRODUCTION OF BILLS AND MEMORIALS, AND
SECOND READING OF THE SAME

House Bill No. 13, introduced by Groene: A bill for an Act regulating the operation of certain games of chance: Providing when the operation thereof shall be illegal, providing for the license fee therefor and the

disposition thereof, and repealing all Acts and parts of Acts in conflict therewith. Referred to Committee on Public Morals, Charities and Reforms.

House recessed for the purpose of listening to Attorney General, Raymond T. Nagle address the House upon the purposes and policies of the administration under the National Recovery Act.

House resumed.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bills were introduced, read first and second times and referred to committees:

House Bill No. 14, introduced by Marshall and Watson of Missoula: A bill for an Act entitled: "An Act to amend Section 571 of the Revised Codes of the State of Montana of 1921 relating to compensating of County Clerks for furnishing poll books." Referred to Committee on Townships and Counties.

House Bill No. 15, introduced by Marshall and Watson of Missoula: A bill for an Act entitled: "An Act to amend or repeal certain sections of Chapter 25 of the Session Laws of the State of Montana of 1927; relating to the calling of elections for the purpose of issuing bonds and authorizing the board of trustees to call such elections without a petition; to fixing the amount and kind of bonds; to notice of the elections." Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bills Nos. 3 and 5.

SOMERVILLE, Chairman.

Without objection report adopted.

Mr. Speaker: We, your Committee on Journal, having examined the Journal of the House for the Fourth Day of the Extraordinary Session of the Twenty-third Legislative Assembly find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by O'Connell, duly seconded, that the House instruct the Committee on Employment to hire fifteen additional employeess.

It was moved by Haight, duly seconded, that the motion by O'Connell be postponed until the next legislative day. Motion was lost by standing vote, thereupon motion by O'Connell was carried.

Mr. Speaker: Since the last Regular Session, death has removed a prominent citizen of Montana, a member of the House of the Fourth Legislative Assembly and former State Auditor, Harry R. Cunningham.

I move that a committee of three be appointed to prepare suitable resolutions on the passing of this distinguished citizen.

MASON.

Seconded and carried.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Saturday, December 2, 1933.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

SIXTH DAY

House of Representatives,

Helena, Montana, December 2, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present except the following:

Abrahamson, Blankenbaker, Givens, Watson (Missoula), Wigal, absent. Harrington excused.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the fifth day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection report adopted.

NOTICES

Authors gave notice that they will, on tomorrow or some subsequent day introduce the following bills:

A bill for an Act entitled: "An Act prescribing the operating hours of retail stores and wholesale warehouses; defining the terms used therein; classifying grocery, cigar and candy stores, stating the exemptions from the provisions of the Act and providing for a violation thereof."

MULHOLLAND.

REPORTS OF STANDING COMMITTEES

December 1, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 9, entitled: "An Act to permit the erection and operation of students' union buildings at the State Educational Institutions of the State of Montana, and to authorize the financing thereof in conformity with the National Industrial Recovery Act."

Respectfully report as follows: That House Bill No. 9 do pass.

GROENE, Chairman.

On motion of Groene report adopted.

December 1, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 8, entitled:

An Act legalizing and validating all elections heretofore held in any city or town of this state, authorizing the creation or increase of the indebtedness of such city or town within or exceeding three percentum of the total assessed valuation of the taxable property of said city or town, as ascertained by the last assessment for state and county purposes, for any of the purposes set forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as amended, and Section 1, Chapter 160, Session Laws of Montana, 1931, which elections were held after notice published and posted as provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at which the proposal to create or increase said indebtedness received a majority of all votes tendered and of all votes cast at such election."

Respectfully report as follows: That House Bill No. 8 do pass.

GROENE, Chairman.

On motion of Groene, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the Senate messages be considered read at length and the Journal so show.

December 1, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate bill was this day introduced in the Senate, read first and second time, and referred to committee:

S. B. No. 3, by Simmons: A bill for an Act entitled: "An Act providing that in certain actions no writ of attachment shall be issued and levied upon or against certain wages and earnings of the debtor or defendant for his personal services rendered within a certain time, and providing that such wages and earnings are exempt from attachment." Referred to Committee on Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 1, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that H. J. R. No. 2, by Ralston, was this day introduced in the Senate, read first and second time, and referred to Committee on Federal Relations.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 1, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Joint Memorial was this day introduced in the Senate, read first and second time, and referred to committee:

S. J. M. No. 1, by Reed: A Memorial to the President and to the Congress of the United States, requesting the establishing of an assay office at some appropriate point in the State of Montana. Referred to Committee on Mines and Mining.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 1, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem under date of November 29th, 1933, gave notice that he was about to sign and did sign in the presence of the whole Senate, the following House Bills:

H. B. No. 2, by Appropriations Committee.

H. B. No. 4, by Revenue and Taxation Committee.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 1, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following resolution by Senator Eaton was this day read and adopted:

"WHEREAS, there is seemingly a lack of definite information before the assembly regarding relief matters, and

"WHEREAS, it is necessary before legislation or relief is passed, that the members have an intelligent understanding of the approximate amount which has been used to meet Emergency Relief in state and counties, and the amount which may be necessary in the immediate future, and

"WHEREAS, the Governor's call for this Extraordinary Session asks for a broadening of the scope of existing legislation, relative to administration of such relief by the state and political subdivisions.

"THEREFORE, BE IT RESOLVED that the Senate respectfully request the Special Joint Committee on Relief to have compiled the following facts and estimates, and that copies of the compilation be placed on the desks of the members not later than the ninth legislative day:

"1. Amount of money listed by counties expended monthly for relief since Federal Emergency Relief was instituted.

"2. Cost of state and Federal Administration of relief and how money has been expended.

"3. The number of persons on relief in each county, and the number of unemployed on the lists in each county during the period which has elapsed.

"4. The estimated amount of money necessary to meet relief in each county from December 1, 1933, to June 1, 1934.

"5. Amount of Federal, state and county money available by counties for relief during the coming six month period.

"6. Estimated amount of public works and civil works employment to be available in the state and counties during the coming six months period.

"7. Statement of estimated amount of county funds that will probably be available to match Federal Aid for next six months period.

"8. Any other information regarding Relief Administration which may be of value to the members in their deliberations."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 2, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Mines and Mining this day recommended that S. J. M. No. 1, by Reed, do pass, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bill was introduced, read first and second time, and referred to Committee on Labor:

House Bill No. 16, introduced by Mulholland: A bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in retail stores; persons employed in delivering goods sold in such stores; persons employed in wholesale warehouses used for supplying retail establishments with goods, and persons employed in delivering goods to retail establishments from such wholesale warehouses, and providing penalties for a violation thereof."

Upon the request of Mulholland, unanimous consent was given to the introduction of the following bills, without previous notice, and the following bills were introduced, read first and second times and referred to Committee on State Institutions, Public Buildings and Grounds.

House Bill No. 17, introduced by Committee on State Institutions, Public Buildings and Grounds: A bill for an Act entitled: "An Act to authorize the erection and equipment of three buildings for the Montana State Hospital for the Insane at Warm Springs, Montana, and, for such purpose, to permit the conveying of lands owned by the State of Montana to the United States, and to enter into all necessary or appropriate contracts and arrangements with the United States under the National Industrial Recovery Act or other legislation of the United States in connection therewith." Referred to Committee on State Institutions and Buildings.

House Bill No. 18, introduced by Committee on State Institutions, Public Buildings, and Grounds. A bill for an Act entitled: "An Act to authorize the erection of a building or buildings for the Montana State Tuberculosis Sanitarium and, for such purpose, to permit the conveying of lands owned by the State of Montana to the United States, and to enter into all necessary or appropriate contracts and arrangements with the United States under the National Industrial Recovery Act or other legislation of the United States in connection therewith." Referred to Committee on State Institutions and Buildings.

House Memorial No. 1 addressed to Honorable Harold L. Ickes, Secretary of the Interior, memorializing Congress to name the water impounded by the Fort Peck dam as "Lake Wheeler." Referred to Committee on Federal Relations.

NOTICES

Authors gave notice that they will, on tomorrow or some subsequent day, introduce the following bills:

By Ballard, by request, a bill for an Act entitled: "An Act providing for the taxing of all hotel rates above a certain amount, providing for a special tax on straight daily rates, and providing ways and means for the collection and distribution of same.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Larsen in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration, House Bill No. 3, beg leave to report as follows:

House Bill No. 3 is temporarily passed.

LARSEN, Chairman.

On motion of Larsen report adopted.

INTRODUCTION OF BILLS AND MEMORIALS AND
SECOND READING OF THE SAME

Upon the request of Groene of Fergus, unanimous consent was given to the introduction of the following bill, without previous notice, and the following bill was introduced, read first and second time and referred to Committee on Judiciary.

House Bill No. 19, introduced by Judiciary: A bill for an Act entitled: "An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other political subdivisions, or any other government agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works." Referred to Committee on Judiciary.

It was moved by Besancon, duly seconded and carried, that the House recess until 1:30 o'clock.

House resumed. Mr. Speaker in the Chair.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Larsen in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bills Nos. 5 and 3, beg leave to report as follows:

That House Bill No. 5 do pass.

That House Bill No. 3 be temporarily passed.

LARSEN, Chairman.

On motion of Larsen, report adopted.

It was moved by Besancon, duly seconded and carried that the House recess until 3:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Employment having had under consideration motion authorizing Employment Committee to employ additional attaches:

Respectfully report: That the following named persons be employed:

Ann Crimmans, Stenographer.
Loretta Gavigan, Stenographer.
Helen Sheehan, Stenographer.
Gertrude Woodruff, Stenographer.
Margaret Crest, Stenographer.
Alice Regan, Stenographer.
Della Ettinger, Stenographer.
Verona Long, Stenographer.
James L. Stafford, Proof Reader.
Walter Thomas, Proof Reader.
Frank McKelvie, Proof Reader.
Hugh Lemire, Proof Reader.
John Harrington, Printing Clerk.
Russ Loveland, Mailing Clerk.
Ray Newman, Page.

PORTER, Chairman.

On motion by Porter report adopted.

December 2, 1933.

Mr. Speaker: We, your Committee on State Institutions and Buildings having had under consideration House Bill No. 17, entitled: "An Act to authorize the erection and equipment of three buildings for the Montana State Hospital for the Insane at Warm Springs, Montana, and, for such purposes, to permit the conveying of lands owned by the State of Montana to the United States, and to enter into all necessary or appropriate contracts and arrangements with the United States under the National Recovery Act or other legislation of the United States in connection therewith."

Respectfully report as follows: That House Bill No. 17 do pass.

MULHOLLAND, Chairman.

On motion by Mulholland, report adopted.

Mr. Speaker: We, your Committee on State Institutions and Buildings having had under consideration House Bill No. 18, entitled:

"An Act to authorize the erection of a building or buildings for the Montana State Tuberculosis Sanitarium and, for such purposes as to permit the conveying of land owned by the State of Montana to the United States, and to enter into all necessary or appropriate contracts and arrangements with the United States under the National Industrial Recovery Act or other legislation of the United States in connection therewith."

Respectfully report as follows: That House Bill No. 18 do pass.

MULHOLLAND, Chairman.

On motion of Mulholland, report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

H. B. No. 1.

SOMERVILLE, Chairman.

Without objection report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that a wire of condolence, be sent to Mr. W. W. McDowell, former Speaker of this House, on the passing of Mrs. McDowell.

Mr. Speaker designated Mason of Lewis and Clark, Freudenstein of Silver Bow and Kruse of Garfield, to prepare suitable resolution on the passing of Harry R. Cunningham under motion of Mason made December 1.

It was moved by Besancon, duly seconded and carried that the House now adjourn until 10:00 o'clock A. M., Monday, December 4th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

EIGHTH DAY

House of Representatives,
Helena, Montana, December 4, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present except the following:

Blankenbaker, Harrington, Knowles, Manning, O'Connell.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House of the sixth day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection report adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. B. No. 5.

ROLPH, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the Senate messages be considered read at length and the Journal so show.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Counties and Towns this day recommended that S. B. No. 1, by Committee on Counties and Towns, do not pass, but that Senate Substitute for Senate Bill No. 1, do pass, report adopted.

Senate Substitute for S. B. No. 1, by Committee on Counties and Towns: A bill for an Act entitled: "An Act relating to and authorizing any county, city, town or school district having an outstanding valid indebtedness in an amount in excess of fifty per centum (50%) of the total indebtedness which it may lawfully incur under the provisions of the Con-

stitution of this state limiting the amount of indebtedness which may be incurred by counties, cities, towns and school districts, to refund its outstanding bonded indebtedness and providing the method and procedure therefor."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 2, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Employment this day reported the following employees engaged in the Senate organization, report adopted:

Miss Flora Best, Stenographer.
Mrs. D. D. Raymond, Clerk.
William Pippy, Clerk.
Jerry Ryan, Janitor.
George H. Gelsing, Janitor.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

THIRD READING OF HOUSE BILLS

Unanimous consent was given that House Bill No. 5 be considered read at length, title and history agreed to, and was passed by the following vote:

Ayes: Abrahamson, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Fitzstephens, Fowler, Freed, Freudenstein, Givens, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Haight, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Lincoln), Moss, Mulholland, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 87.

Noes: Acher, Conner, Findlater, Hagerty, Harlen, Miller (Big Horn), Nass. Total 7.

Absent and not voting: Blankenbaker, Harrington, Knowles, Lott, O'Connell, Reardon (Deer Lodge), White. Total 7.

The Speaker: Eighty-seven have voted "aye", seven have voted "no"; House Bill No. 5 has passed the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Watson of Meagher in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 3, beg leave to report as follows:

That the printed House Bill No. 3 be amended as follows: By adding to Section 9 the following: "Provided that Montana labor shall be given preference and under conditions and rates prescribed by the Federal Government of such work, provided further, that Montana material be used and given preference as far as not in conflict with the regulations of the President of the United States," and as amended, do pass.

That printed House Bill No. 1 be amended as follows: By striking out in line 62 the comma and the words "such fees excepting apportionment to city road fund" and adding in line 64 after the word "county," the words "except state highways," and striking out all the words commencing with the word "including" in line 64, and line 65, 66, and 67, and as amended, do pass.

WATSON (Meagher) Chairman.

On motion of Watson of Meagher, report adopted.

It was moved by Metlen, duly seconded, that House Bill No. 3 be segregated from the report of the Committee of the Whole and placed on General Orders. Motion lost.

MOTIONS AND RESOLUTIONS

It was moved by Metlen, duly seconded, that House Bill No. 3 be taken from Third Reading and put back on General Orders. Motion lost.

Mr. Speaker: I move that a committee of three be appointed by the Speaker of the House to investigate salaries which are being paid from the University Fund to persons residing outside the state, and that this committee report their findings with recommendations, not later than December 8th, 1933.

GREEN (Dawson).

Motion duly seconded and carried.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:30 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

NOTICES

Authors gave notice that they will, on tomorrow or some subsequent day introduce the following bills:

By Replogle: A bill for an Act entitled: "An Act requiring every person, firm, co-partnership, association, joint stock company, syndicate, and corporation engaging in or carrying on the business of distributing natural gas within this state or conducting natural gas produced within this state through a pipe line to a point outside the state; to pay to the State Treasurer for engaging in carrying on such business certain license fees for the exclusive use and benefit of the State of Montana; fixing the amount of such license fees; prescribing a method for the assessment and collection thereof; and prescribing penalties for violations of the provisions of this Act."

REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Committee to prepare resolutions on the death of Harry R. Cunningham, beg leave to submit the following:

RESOLUTION

WHEREAS, death claimed Harry R. Cunningham at his home in Helena the evening of October 27, 1933; and

WHEREAS, Mr. Cunningham was a valued member of the Fourth Montana Legislative Assembly in 1895, elected from Silver Bow county, and was likewise honored by the voters of Montana by being twice elected State Auditor and Commissioner of Insurance, ex-officio, a position which he filled ably and with distinction from January 1, 1904, to December 14, 1911 when he resigned to become general manager of the Montana Life Insurance Company; and

WHEREAS, Mr. Cunningham during the forty-eight years that he resided in Montana, always gave generously of his time and energy and talents for the advancement of every worthy movement looking toward a greater and more prosperous commonwealth;

THEREFORE, BE IT RESOLVED, That the House of Representatives of the Twenty-third Legislative Assembly does hereby show its deep regret for the demise of Mr. Cunningham, and also expresses its high appreciation of him as a man and a citizen, whose labors on behalf of his adopted state greatly advanced its well-being.

BE IT FURTHER RESOLVED, that a copy of these resolutions be inscribed in the minutes of the proceedings and that a copy, signed by the Speaker, be sent Mr. Cunningham's family.

MASON,
FREUDENSTEIN,
KRUSE.

On motion of Mason resolution adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

December 4, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

The Congress of the United States, through the "Banking Act of 1933" and amendments to the "Reconstruction Finance Corporation Act," has created a Federal Deposit Insurance Corporation in which National and State Banks may become members for the purpose of obtaining the insurance of deposits in such banks, and has authorized the Reconstruction Finance Corporation to purchase non-assessable preferred stock from, or loan money to, said State Banks for the purpose of building up the capitol structure of such banks in order to meet the requirements of the Reconstruction Finance Corporation, and has also authorized the Reconstruction Finance Corporation to loan money to closed banks for the purpose of paying depositors and creditors of closed banks.

I, therefore, recommend that this Extraordinary Session enact suitable measures to permit State Banks to issue non-assessable preferred stock and/or to borrow money in order to meet the requirements of the Congress of the United States and the Reconstruction Finance Corporation to this end, and also to authorize closed banks to borrow money for the purpose of paying depositors and creditors.

F. H. COONEY,
Governor.

December 4, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

Within recent months the amount of work necessary to be done in the office of the Governor has increased very materially; to such an extent, in fact, that at times it has been found essential that additional clerical assistance be employed in order that the business of the department might be kept up to date. I first thought that the increased volume of work was largely due to the unusual demands connected with the vast relief work for our people, the embarkation of the commonwealth upon the beer licensing program, and more latterly the launching of the liquor control program, and that the work would in time settle back into normal groove and become less exacting upon the force and upon the slender financial resources of the department.

But so far as present indications may be accepted as a guide, there is to be no letup in this demand upon the office, and I am therefore forced to submit a supplemental recommendation for your consideration. I request that your honorable body pass a bill carrying an appropriation that will adequately provide for the conduct of the Governor's office business during the remainder of the biennium, fixing upon such amount as your Appropriations Committee may consider proper after due inquiry into the situation.

In this connection I desire also to direct your attention to the fact that the state's property referred to as the Governor's mansion is very much in need of certain repairs and replacements. Good business judgment dictates that the property of the state should be kept in good repair, as is the property of the private citizen or corporation.

An investigation of the needs in this regard will, I am confident, convince you that certain repairs should be made without delay, and I therefore place the matter in your hands, recommending that there be an appropriation in such sum as your committee may find justified.

F. H. COONEY,
Governor.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that House Bill No. 3 be considered correctly engrossed and placed on Third Reading.

Upon motion of Haight, duly seconded and carried, the vote by which the report of the Committee of the Whole adopted House Bill No. 1, was reconsidered.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bill was introduced, read first and second time, and referred to Committee on Labor.

House Bill No. 20, introduced by Mulholland: A bill for an Act entitled: "An Act prescribing the operating hours of retail stores and wholesale warehouses; defining the terms used therein; classifying grocery, cigar and candy stores, stating the exemptions from the provisions of the Act and providing for a violation thereof." Referred to Committee on Labor.

Unanimous consent was given that House Bill No. 3 be considered read at length, title and history agreed to and was passed by the following vote:

Ayes: Abrahamson, Acher, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Campbell, Chapman, Cusker, Daugherty, Duffy, Ecton, Fowier, Freudenstein, Givens, Goodwin, Grabow, Groene (Fergus), Harlen, Holecek, Kruse, Kuhl, Lewis, Logan, Love, McCarvel, McDermott, Manning, Marshall, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Pierson, Pilgeram, Porter, Quamme, Ralston, Replogle, Rognlien, Schuster, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Ueland, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 63.

Noes: Anderson, Byrne, Conner, Doe, Ferry, Findlater, Fitzstephens, Freed, Green (Dawson), Hagerty, Haight, Hilger, Jensen, Larson, Lott, McElwain, Mason, Metlen, Miles, Miller (Big Horn), Parker (Broadwater), Ragen, Rearden, (Cascade), Setzer, Stevens (Wheatland), Trenne, Waite, Watson (Meagher). Total 28.

Absent and not voting: Blankenbaker, Doran, Harrington, Knowles, O'Connell, Reardon (Deer Lodge), Rolph, Shannon, Sullivan. Total 10.

The following passed their vote: Roll.

Mr. Speaker: Sixty-three have voted "aye", twenty-eight have voted "no"; House Bill No. 3 has passed the House.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bill was introduced, read first and second time, and referred to Committee on Revenue and Taxation:

House Bill No. 21, introduced by Ballard, A bill for an Act entitled: "An Act providing for the levying of a state tax on all moneys received by hotel owners or operators for renting of rooms, providing for ways and means of collecting and distributing same." Referred to Committee on Revenue and Taxation.

Mr. Speaker designated Haight of Fergus, Ralston of Glacier, and Green of Dawson, to investigate salaries which are being paid from the University Fund to persons residing outside the state, under motion of Green of Dawson, made today.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the Senate messages be considered read at length and the Journal so show.

December 4, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced, read first and second time, and referred to committees:

S. J. M. No. 2, introduced without previous notice, by unanimous consent of the Senate, by Ruffcorn, Wass, Holton, Burr, Kilduff, Ekegren, Danielson, Kalberg and Sparling: A Memorial memorializing the Honorable Harold L. Ickes, Secretary of Interior and Administrator of Public Works, to name the body of water impounded by Fort Peck dam, "Lake Wheeler." Referred to Committee on Federal Relations.

S. B. No. 4, by Committee on Banks and Banking: A bill for an Act entitled: "An Act to authorize commercial banks, savings banks, trust companies and investment companies to issue non-assessable preferred

stock without liability on the holder other than to pay the original subscription price, and to borrow money for capital purposes, and to obtain consent of stockholders and to amend articles of incorporation for such purposes." Referred to Committee on Banks and Banking.

S. B. No. 5, by Committee on Banks and Banking: A bill for an Act entitled: "An Act to authorize liquidating agents of closed state banks to borrow money from the Reconstruction Finance Corporation, or other governmental agency, on behalf of closed commercial banks, savings banks, trust companies and investment companies, and to pledge or mortgage assets or property thereof for the purpose of paying depositors and creditors." Referred to Committee on Banks and Banking.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 4, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 5, by Committee on Revenue and Taxation, was this day introduced in the Senate, read first and second time, and referred to Committee on Taxation.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 A. M. Tuesday, December 5, 1933.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

NINTH DAY

House of Representatives,

Helena, Montana, December 5, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present except the following:

Blankenbaker excused.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the eighth legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bills Nos. 8 and 9.

SOMERVILLE, Chairman.

Without objection report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bills Nos. 17 and 18.

SOMERVILLE, Chairman.

Without objection report adopted.

MOTIONS AND RESOLUTIONS

December 5, 1933.

Mr. Speaker: I move that a committee of five members be appointed by the Speaker and authorized to procure from the Governor, the various departments of state, and from the committees of this House; information covering the requirements and needs for emergency relief; the general fund; and the University Millage fund for the biennium ending June 30, 1935. No members of said committee of five to be selected from either the Committee on Revenue and Taxation or the Committee on Appropriations.

Such committee to compile and furnish each member a list of such requests and requirements and also a list containing amount of revenue expected from present tax measures and in addition a list giving a conservative estimate of funds to be expected from any and all tax measures thus far proposed to this body and referred to the Committee on Revenue and Taxation.

Such committee to furnish same information on revenue bills that may be presented in the future. Said committee of five may make recommendations as to priority in the consideration of revenue measures. Said committee to report on or before December 7th.

LOVE, Dawson County.

Duly seconded and carried.

It was moved by Freudenstein, duly seconded and carried, that House Bills Nos. 17 and 18 be re-referred to committee which reported same.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

House Joint Memorial No. 1, introduced by Woodcock and Cusker, entitled: "A Memorial to the Congress of the United States of America requesting immediate relief to the stockmen of Montana." Referred to Committee on Federal Relations.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that General Orders be passed until 11:00 o'clock.

It was moved by Breitenstein, duly seconded and carried, that House Bill No. 1 be temporarily passed on General Orders until the afternoon session.

It was moved by Besancon, duly seconded and carried, that the House recess until 11:00 o'clock.

House resumed. Mr. Speaker in the Chair.

REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Investigating Committee on House Bill No. 237 and House Bill No. 166, beg leave to report that we find that House Bill No. 237 was delivered to the enrolling room as passed by

the Assembly, that is, registration fee for cars 2750 pounds and under \$5.00, and is now on file in the office of the Secretary of State as passed by the last Assembly. An error was made in the enrolling room, by whom it is impossible to ascertain.

We find that House Bill No. 166 was correctly enrolled according to the report of the Conference Committee.

According to the evidence employees were worked from 12 to 18 hours during the last mad rush of the Session, so we recommend that no stenographer shall be permitted to actually enroll bills for more than six hours in any one day, and no proof reader shall be permitted to actually proof read bills for more than seven hours in any one day.

Signed:

SPANGLER,
BEADLE,
SETZER.

On motion of Spangler, report adopted.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND SENATE

December 5, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

The Congress of the United States has created the "Home Owners' Loan Corporation" for the purpose of preventing the foreclosure of mortgages on homes and redeeming those homes upon which foreclosure has been made within the past two years and thus saving the homes of the people in our nation who are in distress and unable to pay the delinquent taxes and payments upon loans secured by mortgages upon homes now due and which may become due, and has authorized the corporation to refund such mortgage loans and pay the delinquent taxes thereon, and to make and pay for the necessary repairs on such homes.

The corporation is authorized to issue bonds in lieu of such mortgages and other forms of liens against such homes. These bonds are secured by the real estate constituting all of said homes. The interest on the bonds is guaranteed by the United States Government for a period of eighteen years, at four per centum interest. There can be no question as to the soundness of these bonds for investment purposes as well as for security for any depository bonds or obligations.

I therefore recommend that this Extraordinary Session enact a suitable measure making it lawful for the State of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or for any insurance company, building and loan association, or for any bank, trust company or other financial institution operating under the laws of this state, or for any executor, administrator, guardian or conservator, trustee or other fiduciary to invest their funds or the moneys in their custody or possession eligible for investment, in the bonds of the "Home Owners' Loan Corporation," and making said bonds eligible as security for any depository bonds or obligations wherein any kind of bonds or other securities are required or may, by law, be deposited as security.

PRISON-MADE GOODS BILL

At the Regular Session of this Assembly you passed a bill prohibiting traffic in prison-made goods in this state, this measure appearing as Chapter 172 of the Session Laws of 1933, the prohibition to become effective on January 14, next.

It is now brought to my attention that the measure in its present form may work a hardship upon those of our citizens who unknowingly purchased prison-made machinery and must rely upon the same class of goods when repairs are necessary. It is argued that much of the farm machinery in use in Montana was prison-made in other states and that there must be an amendment of the new law if the farmers are not to be left without opportunity to order repair parts for these machines.

It is proposed that a measure be enacted at this Extratordinary Session providing that where farm machinery now owned in the state requires repairs the sale and transportation of such repair parts shall not be prohibited by Chapter 172.

The question is submitted for such action as to you may seem proper in the circumstances.

F. H. COONEY, Governor.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

House Bill No. 22, introduced by Besancon. A bill for an Act entitled: "An Act making bonds of the 'Home Owners' Loan Corporation' eligible for investment purposes for the State of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or for any insurance company, building and loan association, or for any bank, trust company, or other financial institution operating under the laws of this state, or for any executor, administrator, guardian or conservator, trustee or other fiduciary; and making such bonds eligible as security for depository bonds and obligations." Referred to Committee on Banks and Banking.

House Bill No. 23, introduced by Parker of Flathead, a bill for an Act entitled: "An Act to amend Section 1 Chapter 172 of the Laws of Montana, 1933, to make an exception as to the sale of prison made goods in the State of Montana to permit the sale of repairs for farm machinery owned in this state." Referred to Committee on Agriculture.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that consideration of General Orders be passed until the afternoon session.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following bills:

Mr. Speaker: I hereby give notice that I will on tomorrow, or some subsequent day, introduce a bill entitled:

"An Act to amend Sections 4531, 4532 and 4533 of the Revised Codes of Montana, 1921, as amended by Chapter 91 of the Laws of Montana, 1931, relating to the application of destitute persons seeking relief; the residence of said persons; and providing temporary relief to non-residents."

HARLEN.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Mileage and Per Diem, beg leave to report that we have found errors in our original report, and respectfully request that the original report read as follows:

Name	City	Miles	Amount
Wigal, E. E., Missoula	238@7c	\$16.66
O'Shea, James, Luther	80@7c	5.60

Respectfully submitted,

ROLPH,
PARKER (Flathead)
WHALEY.

On motion of Rolph, report adopted.

Mr. Speaker: We, your Committee on Public Morals, Charities and Reforms having had under consideration House Bill No. 13, entitled:

"An Act regulating the operation of certain games of chance; providing when the operation thereof shall be illegal, providing for the license fee therefor and the disposition thereof, and repealing all Acts and parts of Acts in conflict therewith."

Respectfully report as follows: That House Bill No. 13 do not pass, but that Substitute House Bill No. 13, entitled: "An Act regulating the operation of certain games of chance; providing when the operation thereof shall be illegal, providing for the license fee therefor and the disposition thereof, and repealing all Acts and parts of Acts in conflict therewith." Do pass.

JENSEN, Chairman.

December 5, 1933.

Mr. Speaker: We, your Committee on Banks and Banking having had under consideration House Bill No. 22, entitled: "An Act making bonds of the 'Home Owners' Loan Corporation' eligible for investment purposes for the State of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political sub-division of the state, or any political or public corporation of the state, or for any insurance company, building and loan association, or for any bank, trust company, or other financial institution operating under the laws of this state, or for any executor, administrator, guardian or conservator, trustee or other fiduciary; and making such bonds eligible as security for depository bonds and obligation."

Respectfully report as follows: That House Bill No. 22 do pass.

MILLER (Lincoln), Chairman.

On motion of Miller, report adopted.

December 5, 1933.

Mr. Speaker: We, your Committee on Federal Relations having had under consideration House Joint Memorial No. 1, entitled:

"A Memorial to the Congress of the United States of America requesting immediate relief to the stockmen of Montana."

Respectfully report as follows: That House Joint Memorial Number One be referred to Livestock and Public Ranges Committee.

CUSKER, Chairman.

On motion of Cusker, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

It was moved by Besancon, duly seconded and carried, that the Senate messages be considered read at length and the Journal so show.

December 5, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Notices of Introduction of bills were this day received:

By Ruffcorn: A bill for an Act entitled: "An Act to cede jurisdiction to the United States over the Fort Peck Dam, the body of water created by such dam, and land under such body of water, and any lands now owned or which may be hereafter acquired by the United States and which shall touch such body of water, all being in the counties of Valley, Phillips, McCone, Garfield, Petroleum and Fergus, Montana, and reserving certain rights to the State of Montana."

By Ruffcorn: A bill for an Act entitled: "An Act authorizing and regulating the sale of state lands to the United States of America in connection with the construction of the Fort Peck Dam and in connection with other projects undertaken by the United States."

By Wass: A bill for an Act entitled: "An Act allowing County Treasurers to issue car license on all cars upon the payment of their 1934 car license."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 5, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Standing Committees this day reported as follows, reports adopted:

Committee on Banks and Banking: That S. B. No. 4 do pass.

Committee on Banks and Banking: That S. B. No. 5 do pass.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 5, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Joint Resolution No. 1, by Eaton, Simmons, Kelsey and Putnam, was this day introduced without previous notice by unanimous consent of the Senate, read first and second time, and referred to Committee on Roads and Highways:

"A Joint Resolution requesting the Honorable Harold L. Ickes, Public Works Administrator, to allot funds for the Broadus-Crow Agency Highway and to direct the construction thereof."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Groene, duly seconded and carried, that the House reconsider the motion of Love of Dawson.

It was moved by Besancon, duly seconded and carried, that House Bill No. 22 be considered correctly printed and the same be placed on General Orders.

It was moved by Besancon, duly seconded and carried, that bills on General Orders for today be read by title, history and section number only, except when otherwise requested.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Rolph in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bills Nos. 22, 1, 8, 9, beg leave to report as follows:

That House Bill No. 22 do pass.

That House Bill No. 1 do pass.

That House Bill No. 8 do pass.

That Printed House Bill No. 9 be amended as follows: By inserting after the word "money" in line 6 of Section 3 the following: "not exceeding \$300,000.00 at any one institution." and by adding to Section 1 a new clause "(e) Montana labor shall be given preference and under conditions and rates of pay not less than prescribed by the Federal Government for such work."; and that the same do pass, as amended.

ROLPH, Chairman.

On motion of Rolph, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried, that House Bill No. 8 be considered correctly engrossed and placed on Third Reading.

It was moved by Besancon, duly seconded and carried, that House Bill No. 22 be considered correctly engrossed and placed on Third Reading.

It was moved by Besancon, duly seconded and carried, that House Bill No. 9 be considered correctly engrossed and placed on Third Reading.

It was moved by Breitenstein, duly seconded and carried, that House Bill No. 1, be considered correctly engrossed and placed on Third Reading.

INTRODUCTION OF BILLS AND MEMORIALS, AND
SECOND READING OF THE SAME

Upon the request of Groene of Fergus, unanimous consent was given to the introduction of the following bill, without previous notice, and the following bill was introduced, read first and second time and referred to Committee on Judiciary.

House Bill No. 24, introduced by Groene: A bill for an Act entitled: "An Act reducing the rate of interest from and after March 1, 1934, on delinquent taxes and assessments and repealing all Acts and parts of Acts in conflict therewith."

THIRD READING OF HOUSE BILLS

It was moved by Besancon, duly seconded and carried, that bills on third reading be read by history, title and section number only, except when otherwise requested.

House Bill No. 8, introduced by Woodcock, Lewis and Shannon, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene, (Fergus), Hagerty, Haight, Harlen, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Snidow, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 89.

Noes: None.

Absent and not voting: Arnold, Ballard, Blankenbaker, Freed, Givens, Harrington, Manning, Metlen, Pierson, Porter, Shannon, Spangler. Total 12.

Mr. Speaker: Eighty-nine have voted "aye", none have voted "no"; House Bill No. 8 has passed the House.

House Bill No. 22, introduced by Besancon, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Arnold, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Harlen, Hilger, Jensen, Kruse, Larsen, Lewis, Love, McCarvel, McDermott, McElwain, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 80.

Noes: Annin, Haight, Knowles, Lott, Setzer. Total 5.

Absent and not voting: Ballard, Blankenbaker, Doe, Freed, Givens, Harrington, Holecek, Logan, Manning, Metlen, Nass, Pierson, Porter, Shannon, Watson (Meagher). Total 16.

The following passed their vote: Kuhl.

Mr. Speaker: Eighty have voted "aye", five have voted "no"; House Bill No. 22 has passed the House.

House Bill No. 9, introduced by Marshall, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Anderson, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Campbell, Chapman, Cusker, Daugherty, Doran, Duffy, Ecton, Fitzstephens, Fowler, Freudenstein, Grabow, Groene (Fergus), Harlen, Holecek, Jensen, Kruse, Logan, Love, McCarvel, McDermott, McElwain, Marshall, Mason, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Ueland, Watson (Missoula), White, Wigal, Woodcock, Mr. Speaker. Total 60.

Noes: Annin, Arnold, Byrne, Conner, Doe, Ferry, Findlater, Goodwin, Green (Dawson), Hagerty, Haight, Hilger, Lewis, Lott, Miles, Miller (Big Horn), O'Shea, Quamme, Ragen, Rolph, Setzer, Stevens (Wheatland), Trenne, Waite, Whaley. Total 25.

Absent and not voting: Acher, Ballard, Blankenbaker, Freed, Givens, Harrington, Larsen, Manning, Metlen, Pierson, Ralston, Shannon, Watson (Meagher). Total 13.

The following passed their vote: Knowles, Kuhl, Roll. Total 3.

Mr. Speaker: Sixty have voted "aye", twenty-five have voted "no"; House Bill No. 9 has passed the House.

House Bill No. 1, introduced by Besancon, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Setzer, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 90.

Noes: Fitzstephens. Total 1.

Absent and not voting: Blankenbaker, Givens, Harrington, Manning, Metlen, Pierson, Roll, Shannon, Watson (Meagher). Total 9.

The following passed their vote. Nutting.

Mr. Speaker: Ninety have voted "aye", one has voted "no"; House Bill No. 1 has passed the House.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 A. M., Wednesday, December 6, 1933.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

TENTH DAY

House of Representatives,
Helena, Montana, December 6, 1933.

House convened, pursuant to adjournment, at 10:00 A. M.
Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present except the following:

Beadle, Blankenbaker, Harrington, excused. Givens absent.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the ninth legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following bills:

By Replogle, a bill for an Act entitled: "An Act to amend Section 2 of Chapter 180 of the Session Laws of the Twenty-third Legislative Assembly 1933, relating to certain license fees fixing the amount of such license fees and prescribing a method for the assessment thereof."

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Agriculture having had under consideration House Bill No. 23, entitled: A bill for an Act entitled: "An Act to amend Section 1 Chapter 172 of the Laws of Montana, 1933, to make an exception as to the sale of prison made goods in the State of Montana to permit the sale of repairs for farm machinery owned in this state."

Respectfully report as follows: That House Bill No. 23 do pass.

SNIDOW, Chairman.

On motion of Snidow, report adopted.

Mr. Speaker: We, your Committee on State Institutions, Public Buildings and Grounds having had under consideration House Bill No. 17 and 18, respectfully report as follows:

That the Committee on State Institutions, Public Buildings and Grounds be excused from attendance upon this Session for the purpose of visiting Galen and Warm Springs and report their findings to this body.

MULHOLLAND, Chairman.

On motion of Mulholland, report adopted.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 24 entitled:

"An Act reducing the rate of interest from and after March 1, 1934, on delinquent taxes and assessments and repealing all Acts and parts of Acts in conflict therewith."

Respectfully report as follows: That House Bill No. 24 do pass.

GROENE, Chairman.

On motion of Groene, report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bills Nos. 2 and 4.

SOMERVILLE, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR
AND THE SENATE

December 6, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

This Assembly at its Regular Session passed a bill which now appears as Chapter 12 of the Session Laws of 1933, defining nepotism and prohibiting the practice thereof in this state.

Representations have been made to me by many people to the effect that this measure is working a hardship upon some of our citizens, particularly the school teachers, who have been deprived of their positions because of the presence of the relative on the Board of Trustees.

Yielding to the importunities of those who would endeavor to secure an amendment to the present law, I have decided to submit the question to this Extraordinary Session for such consideration as it may desire to give the matter. This is done without recommendation on my part.

LEASING OF FAIR GROUNDS

Under existing law Boards of County Commissioners are restricted in the use of county fair grounds, and there is a movement on foot looking to the enactment of a measure whereby these grounds may be made a source of income for the benefit of the county poor fund. I am advised that there is a measure ready for introduction under the terms of which Boards of Commissioners would be authorized to lease their grounds and buildings for entertainment purposes, receiving twenty per cent of the lessee's gross receipts, the county, of course being indemnified against loss or damage to the property.

The matter is submitted to this Assembly with the recommendation that appropriate action be taken.

F. H. COONEY, Governor.

It was moved by Besancon, duly seconded and carried, that the Senate messages be considered read at length and the Journal so show.

December 5, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that S. J. M. No. 1, by Reed, was this day read three several times and passed, title and history agreed to, and bill is herewith transmitted to the House for concurrence.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 5, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That Senate Sub. for S. B. No. 1 be amended in Section 4, by striking out in line 6, printed bill, all of said line commencing with and after the word, "the", and all of lines 7, 8, and 9 and inserting in lieu thereof the words: "Any action brought under the provisions of this Act must be commenced within twenty-days after the date of said publication";

That Senate Sub for S. B. No. 1 be further amended by striking out the period at the end of the last line of Section 15, and inserting in lieu thereof a semi-colon and by adding thereafter the following words: "and provided further that nothing in said other Acts shall operate to limit or restrict the issuance, sale, or exchange of bonds and procedure therefor under this Act in all cases where this Act is by its terms applicable."

And as so amended, recommend said Senate Sub. for S. B. No. 1 do pass.

That S. J. M. No. 1 do pass.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 5, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that H. B. No. 3, by Nutting, Snidow, Fowler, Logan, Abrahamson, Kuhl, O'Shea, Manning, Annin and Pierson, was this day introduced in the Senate, read first and second time, and referred to Committee on Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

Mr. Speaker: In order to placate objections to the motion now pending I offer as a substitute motion the following:

I move that a committee of five members be appointed by the Speaker and authorized to procure from the Governor, the various departments of state, and from the committees of the House information concerning the requirements and needs of emergency relief, the general fund, and the University millage fund for the biennium ending June 30, 1935; such committee of five to compile and furnish each member of this body with a list of such requests and requirements and in addition thereto they shall furnish information as to amount of revenue expected to be actually realized from tax measures now on statute books and also a conservative estimate from the Committee on Revenue and Taxation as to amount of revenue to be expected from tax measures thus far proposed at this Session. Such information to be furnished before consideration of revenue measures is begun.

Such committee of five to furnish same information on revenue bills that may be presented in the future.

LOVE, (Dawson).

A substitute motion was made by Shannon, duly seconded and carried, that the Committee on Ways and Means be instructed to procure information under motion made by Love.

It was moved by Pierson, duly seconded and carried, that the Committee on Ways and Means be further instructed to present the information so procured and make recommendation with reference thereto.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following Senate Joint Memorial was this day introduced, read first and second time and referred to Committee on Federal Relations.

Senate Joint Memorial No. 1, introduced by Reed: A Memorial to the President and to the Congress of the United States, requesting the establishing of an assay office at some appropriate point in the State of Montana.

The following bill was introduced without notice by unanimous consent of the House, read first and second time and referred to committee:

House Bill No. 25, introduced by Pilgeram and Reardon of Cascade: A bill for an Act entitled: "An Act to permit Boards of County Commissioners to lease County Fair Grounds and Buildings thereon." Referred to Committee on Fairs and Expositions.

NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following bills:

By Goodwin: A bill to produce revenue for the proper supervision of the liquor business in the State of Montana.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 P. M.

House resumed. Mr. Speaker in the Chair.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND THE SENATE

It was moved by Besancon, duly seconded and carried, that the Senate messages be considered read at length and the Journal so show.

December 6, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Page, duly seconded and carried, the Senate herewith returns House Bill No. 22, by Besancon, to the House, with the request that same be printed.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 6, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Bill No. 6, by Ruffcorn, was this day introduced in the Senate, read first and second time, and referred to Committee on Public Lands:

S. B. No. 6, by Ruffcorn: A bill for an Act entitled: "An Act authorizing and regulating the sale of state lands to the United States of America in connection with the construction of the Fort Peck Dam and in connection with other projects undertaken by the United States."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 6, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House bills were this day introduced in the Senate, read first and second time, and referred to committees:

H. B. No. 8, by Woodcock, Lewis and Shannon—Judiciary.

H. B. No. 9, by Marshall—Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bill was introduced, read first and second time and referred to committee:

House Bill No. 26, introduced by Harlen, a bill for an Act entitled: "An Act to amend Sections 4531, 4532 and 4533 of the Revised Codes of Montana of 1921, amended by Chapter 91, Laws of Montana, 1931, relating to the application of destitute persons seeking relief; the residence of said persons; and providing temporary relief to non-residents. Referred to Committee on Judiciary.

The following Memorial was introduced without notice by unanimous consent of the House, read first and second time and referred to committee:

House Joint Memorial No. 2, introduced by Watson of Meagher: A Memorial addressed to the Congress of the United States, requesting the enactment of effective laws prohibiting the producers and distributors of gasoline from establishing unfair and unjust prices for the sale at retail to the people of the United States, and thus removing unjust discrimination. Referred to Committee on Federal Relations.

It was moved by Besancon, duly seconded and carried, that the House recess until 3:30 P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bill correctly printed:

Sub. House Bill No. 13.

SOMERVILLE, Chairman.

Without objection report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the Senate messages be considered read at length and the Journal so show.

December 6, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Clifford was this day made, and on motion, adopted:

"Mr. President: Inasmuch as a number of buildings are requested on the program for recovery from the depression by the N. I. R. A., I move

that a committee of five be appointed from the Senate to act with a like committee from the House to investigate the necessities and facilities for liquidation."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 6, 1933

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows, reports adopted:

Committee on Federal Relations: That H. J. R. No. 2, by Ralston, be concurred in.

Committee on Taxation: That H. B. No. 5 be amended by striking out in line 3 of Section 3, printed bill, and in lines 3 and 4, original bill, on page 5 thereof, after the word "decedent", and before the word "on", the following words: "which has not been distributed," and inserting in lieu thereof the words: "on which the inheritance tax has not been determined by the court";

And as so amended, recommend said bill be concurred in.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 6, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Bill No. 7 was this day introduced in the Senate, read first and second time and referred to Committee on Roads and Highways:

S. B. No. 7, by Wass: A bill for an Act entitled: "An Act to amend Section 4 of Chapter 158 of the Twenty-second Legislative Assembly of the State of Montana relating to the registration of motor vehicles."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following bills:

By McDermott, Silver Bow, and Reardon, Deer Lodge: A bill for an Act entitled: "An Act empowering cities and towns to prepare and improve streets, avenues and alleys within sprinkling districts so that the sprinkling thereof with water, oil, salt or any other dust pallative, will be a durable and continuing benefit and authorizing cities and towns to enter into agreements with the United States of America for loans of money and for financial aid in the accomplishment thereof and apportioning the cost thereof over a period of years."

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 21. A bill for an Act entitled: "An Act providing for the levying of a state tax on all moneys received by hotel owners or operators, for renting of rooms, providing for ways and means of collecting and distributing same."

Respectfully report as follows: That House Bill No. 21 do not pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Somerville, duly seconded and carried, that Substitute House Bill No. 13 be re-referred to Committee on Revenue and Taxation.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following bill was introduced, without notice, by unanimous consent of the House, read first and second time and referred to Committee on Revenue and Taxation.

House Bill No. 27, introduced by Committee on Revenue and Taxation: A bill for an Act entitled: "An Act providing a license tax for doing certain business in the State of Montana; to provide emergency relief and for the ascertainment, assessment and collection of said tax, and prescribing penalties for the violation of the terms of this Act, and for the disposition of the revenue received."

It was moved by Mulholland, duly seconded and carried, that permission of the House be given any member desiring to proceed to the state institutions at Galen and Warm Springs with Committee on State Institutions, Public Buildings and Grounds.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Thursday, December 7th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

ELEVENTH DAY

House of Representatives,
Helena, Montana, December 7, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation of Reverend Hagen.

On roll call all members present, except the following: Acher, Ballard and Blankenbaker, excused. Campbell, Conner, Cusker, Doe, Doran, Duffy, Fitzstephens, Givens, Grabow, Green (Dawson), Hagerty, Harrington, Hilger, Holecek, Jensen, Logan, McDermott, Marshall, Miles, Moss, Mulholland, Nutting, Parker (Broadwater), Pierson, Quamme, Ragen, Rearden (Cascade), Rognlien, Roll, Shannon, Spangler, Stiefel, Trenne, Waite, Watson (Missoula), Whaley, Woodcock. Total 40.

NOTICES

Authors gave notice that they would on tomorrow, or some subsequent day introduce the following bills:

By Haight: A bill for an Act entitled: "An Act to amend Section 1, of Chapter 166, of the laws of the Twenty-third Legislative Assembly" entitled: "An Act to amend Sections 2296, 2297, and 2303 and to repeal Section 2298, Montana Revised Codes of 1921; to provide a license tax upon corporations organized under the laws of the State of Montana, or organized under the laws of any other state and doing business within this state; providing a method of arriving at net income, allowing certain deductions and exempting certain corporations from said tax; to provide for allocation of income to Montana of business done by corporations both within and without the state; to provide for the necessary enforcement and collection of said tax, and penalties for failure to comply herewith, and granting powers to the State Board of Equalization to make rules and regulations relative thereto, and repealing all Acts and parts of Acts in conflict herewith.

By Haight: A bill for an Act entitled: "An Act to amend Section 2, of Chapter 181 of the laws of the Twenty-third Legislative Assembly, entitled: "An Act providing for the levy and collection of an income tax; providing for exemption and fixing basis and rate of tax; prescribing the duties and powers of the State Board of Equalization in its administration; providing procedure and machinery for administration thereof; fixing the jurisdiction of the courts in connection with review and appeal under this Act; providing penalties for violations hereof and making appropriations to carry out its purposes."

By Nass and O'Connell: A bill for an Act entitled: "An Act amending Chapter 155, Session Laws of 1933, requiring licenses for the operation, maintenance, opening or establishment of stores in this state, prescribing the license and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Board of Equalization in connection therewith, and prescribing penalties for the violation thereof."

REPORTS OF STANDING COMMITTEES

December 7, 1933.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 15, entitled: "An Act to amend or repeal certain Sections of Chapter 25 of the Session Laws of the State of Montana of 1927; relating to the calling of elections for the purpose of issuing bonds and authorizing the Board of Trustees to call such elections without a petition; to fixing the amount and kind of bonds; to notice of the elections."

Respectfully report as follows: That House Bill No. 15 do not pass.

GROENE, Chairman.

On motion of Groene, report adopted.

December 7, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 19, entitled: "An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other political subdivisions, or any other governmental agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works."

Respectfully report as follows: That House Bill No. 19 be amended as follows:

Section 5, at end of subdivision a, after the word Montana, insert the following. "or unless a petition be filed as hereinafter provided. A board or other governing body deciding to proceed under the provisions of

this Act shall, by resolution, authorize the execution of such bonds or contracts as shall be necessary and as may be approved by the United States. A copy of this resolution shall be published once in some newspaper of general circulation in the county wherein the meeting of the board authorizing same is held. A petition may be filed within 15 days of the publication of the copy of said resolution, signed by not less than one per centum (1%) of the registered electors residing in the district or area affected, who are taxpayers on property therein and whose names appear on the last complete assessment roll for state, county and school district taxes, which petition shall request that the proposition, determined by the board in said resolution, be submitted to an election. If such petition is so signed and filed with said board within the time required, the matter must be submitted to the voters entitled to vote, for their approval or disapproval."

Amend Section 9 by adding at the end thereof the following: "but this Act shall expire and stand repealed on March 30, 1935, and all Acts and parts of Acts conflicting herewith, shall be deemed to be in full force and effect from and after said date, their operation being merely suspended while this Act is in force."

And as amended do pass.

GREONE, Chairman.

On motion of Groene, report adopted.

December 7, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 26, entitled: "An Act to amend Sections 4531, 4532 and 4533 of the Revised Codes of Montana of 1921, amended by Chapter 91, Laws of Montana, 1931, relating to the application of destitute persons seeking relief; the residence of said persons; and providing temporary relief to non-residents."

Respectfully report as follows: That House Bill No. 26 do pass.

GROENE, Chairman.

On motion of Groene, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

December 7, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

Chapter 40 of the Session Laws of 1933 relates to the expenses of officers and employees of the State of Montana while traveling on business for the state, and provides that in such cases the expenses of the officers, other than railroad, bus or automobile fare, shall not exceed the sum of four dollars a day.

This law has now been operative the better part of a year and my experience on the State Board of Examiners has forced upon me the conclusion that the law should be amended. I have found that an official called upon to make a trip on state business can not live on four dollars a day unless he seeks accommodation at some hotel away from the heart of business or official district and orders his food with an eye to economy rather than sufficiency.

Having had occasion to test the matter, I conclude that an amendment to the existing statute should be made, and I therefore recommend that this Extraordinary Session enact a measure so amending Section 1 of Chapter 40 as to except elective State officers from this limitation.

THE BEER BILL

At the Regular Session early in the year this Assembly passed the "Beer Bill," under which the sale of 3.2 beer was legalized and has been conducted under the control of the State Board of Equalization. Experience during the few months of operation has demonstrated that some of the provisions of the measure are vague and some in conflict, and in order that there may be corrective legislation in this regard I am herewith submitting the matter to this Extraordinary Session for such amendments to the existing law as will make the provisions clear on all points, to the end that there may be no equalities and no unfairness to either the state or licensee.

CONSOLIDATION OF SCHOOL DISTRICTS

I have been called upon by a committee of the Montana School Boards Association with the urgent request that there be given an opportunity for consideration of a measure designed to materially reduce the cost of education through the elimination of inefficient units of school administration. The committee desires that this Extraordinary Session enact into a law a measure proposed at the Regular Session of this Assembly, this being known as House Substitute for House Bill No. 271, "providing for consolidation of school districts; providing for transportation; providing for officers and providing certain districts shall not receive aid from the county or state equalization fund."

Impressed by the importance of the request I am hereby submitting the matter to this Honorable Body for such action as it may deem warranted.

F. H. COONEY, Governor.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND
READING OF THE SAME

The following bills were introduced, read first and second times and referred to committees:

By Replogle, H. B. No. 28, a bill for an Act entitled: "An Act to amend Section 2 of Chapter 180 of the Session Laws of the Twenty-third Legislative Assembly 1933, relating to certain license fees fixing the amount of such license fees and prescribing a method for the assessment thereof." Referred to Committee on Revenue and Taxation.

House Bill No. 29, introduced by McDermott and Reardon (Deer Lodge), a bill for an Act entitled: "An Act empowering cities and towns to prepare and improve streets, avenues and alleys within sprinkling districts so that the sprinkling thereof with water, oil, salt or any other dust palliative, will be of a durable and continuing benefit and authorizing cities and towns to enter into agreements with the United States of America for loans of money and for financial aid in the accomplishment thereof and apportioning the cost thereof over a period of years."

Referred to Committee on Affairs of Cities.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed. Haight, Speaker pro tem in the Chair.

NOTICES

Authors gave notice that they would on tomorrow, or some subsequent day, introduce the following bills:

By Larsen, Metlen, Shannon, Somerville, Jensen: A bill for an Act entitled: "An Act requiring every person, firm or corporation engaged in the business of printing and publishing a newspaper within this state to pay an annual license; and providing for the distribution of the funds created by such license fees."

REPORTS OF SELECT COMMITTEES

December 7, 1933.

Mr. Speaker: We, your Special Committee appointed to investigate the furniture situation beg leave to submit the following report:

We have checked the inventory of the Sergeant of Arms, and find that he has received a receipt from the Custodian for the return of all the furniture belonging to the legislature as required by law.

The committee has the receipts attached to this report from the Custodian for furniture and supplies loaned out to various organizations and institutions; which receipts of these various agencies have been verified by these various agencies.

We have asked the Custodian by whose authorization this furniture was loaned out, and he stated it was by the verbal order of the Board of Examiners, which statement was verified by the Board of Examiners.

By a careful examination of inventories of furniture and supplies your committee finds that all furniture and supplies are accounted for.

The complete list of all the furniture and where located is hereto attached and made a part of this report.

FREUDENSTEIN,
Chairman.
GREEN, (Dawson),
DAUGHERTY, (Fallon).

STATE OF MONTANA

Custodian

Helena, Montana, April 1, 1933.

Reconstruction Finance,
Room 412.

- 7 dark oak type desks.
- 7 type chairs.
- 3 wire back.
- 4 wooden back.
- 2 carpet seats.

CRAGO TRANSFER,

March 30, 1933.

Received from J. E. Mushback, Custodian.

- 4 dark oak type desks from room 411.
- 2 mahogany type desks from room 411.
- 3 wire back swivel type chairs, wooden seat, from room 411.
- 2 wire back swivel type chairs, wooden seat, from room 422.
- 1 wire back swivel type chair, wooden seat, from 331 House Sergeant for use of Reconstruction Finance Corporation.

CRAGO TRANSFER,
By Mack.

MONTANA STATE RELIEF

- 2 Linotine.
- 2 copy holders.
- 1 Marvel perforator.
- 1 ring binder.
- 8 desk baskets.
- 15 pen holders.
- 2 ink wells.
- 1 Challenge stapling machine.
- 1 Remington typewriter BD 62674.
- 1 scissors.
- 1 box miscellaneous paper.
- 2 boxes district court paper.
- 3 boxes carbon paper legal size.
- 1 pt. box carbon paper, letter size.
- 3 boxes partly filled legal paper.
- 1 mahogany typewriter desk.
- 1 oak table 5x8.
- 1 large roll top desk oak.
- 1 mahogany swivel chair.
- 1 oak typewriter chair.
- 1 rug from Speaker's office.
- 1 rug from Floor Leader's office.
- 1 Postal scale.

Received April 25, 1933.

T. C. SPAULDING.

STATE OF MONTANA

Received from Custodian—One single typewriter desk and chair (Senate). Dated July 15, 1933.

W. O. KIVILEY.

State Highway Commissioner.

Received one home-made typewriter table from House of Representatives. October 13, 1933.

HAROLD ANDERSON,

Assistant Code Commissioner.

By B. F.

Federal Deposit Insurance Corporation (Banking Dept.) 1 typewriter desk. House. Dark oak. October 15, 1933.

R. THOMPSON.

Helena, Montana, July 17, 1929.

Received from the Custodian of the State Capitol, one standing desk, for the State Land office, (Mr. Brandjord's private office).

N. B. SHERLOCK.

Received from Senate Room 302 two oak typewriter chairs. March 6, 1933.

State Board of Equalization.

Betty Brisco.

Helena, Montana, May 11, 1933.

Received 1 mahogany typewriter desk from room 336.

S. V. STEWART.

Received 1—7 foot oak table from 419.
Received 1—7 foot oak table from 420.
June 10, 1933.

T. C. SPAULDING.

STATE LAND OFFICE

March 14, 1933.

Received of Mr. Mushback one pine table (home made) belonging to the House.

S. L. McGOVERN.

July 13, 1932.

Mr. J. E. Mushback, Custodian,
Capitol.

Dear Mr. Mushback:

This is to advise that upon our request you have delivered to us temporarily the following articles of furniture taken from room 422 of the House chambers, one chair, which we will release upon your instructions. (Wooden type chair).

R. N. HAWKINS,
Assistant State Examiner.

September 29, 1933.

Received of the Custodian two mahogany desks—need repairs—one dark oak typewriter desk from the Senate, 2 typewriter swivel chairs from the Senate, 1 straight back bentwire chair from the House. 1 tin waste basket (paper).

S. SENNETT.

List of furniture loaned Reemployment Bureau—Federal Building.
September 1, 1933.

- 1 Golden oak type desk, Senate Sergeant. Must be returned immediately upon demand.
- 1 dark oak type desk, House.
 - 1 dark oak small table—House.
 - 2 golden oak swivel chairs, leather (back and seat)—House.
 - 8 bent oak chairs—House.
 - 3 steel baskets.
 - 1 wire basket.
 - 2 medium cuspidors and mats.
 - 1 dark oak type chair.
 - 1 small home made table.

W. T. BRIDGES,
Assistant Director.

STATE BOARD OF LAND COMMISSIONERS

April 25, 1933.

Received of Mr. Mushback, Custodian, one typewriter table and chair from House. 1 mahogany type chair, leather back and seat.

LILLIAN COWAN.

April 17, 1933.

This will acknowledge receipt of 1 type chair, light oak, and 1 typewriter desk from the enrolling room of the House.

E. H. WILLIAMS,
Colonel, 163d Infantry.
Adjutant General.

Received this 14th day of March, 1933, from room 325B one typewriter desk from the Senate Chamber one swivel chair.

RAYMOND T. NAGLE,
Attorney General.
By Oscar A. Provost.

Helena, Montana, March 8, 1933.

Received from room 302, Senate Chamber, 2 typewriter chairs.

BANKING DEPARTMENT,
By B. Higgins.

March 15, 1933.

This will acknowledge receipt of two mahogany chairs, leather back and seat, from Senate chamber, received this date.

E. H. WILLIAMS,
Colonel, 163d Infantry.
Adjutant General.

Helena, Montana, October 18, 1933.

Received from the Custodian, four bent oak, leather backed chairs from House of Representatives.

For Loan Agency of the Reconstruction Finance Corporation.

D. RAY GREGG,
State Supervisor,
Temporary R. F. C.
Capitol Office.

August 18, 1933.

Received of W. A. Small, Custodian, of the state capitol, the following fixtures:

- 1 6 foot table.
- 2 9 foot tables.
- 3 typewriter desks.
- 3 typewriter chairs.
- 20 bent oak chairs.

Public Works Advisory Council
By D. A. McKinnon,
State Engineer (P. W. A.)

HELENA BRANCH REGIONAL AGRICULTURAL CREDIT
CORPORATION OF SPOKANE, WASHINGTON.

Helena, Montana, April 4, 1933.

Mr. J. E. Mushback,
Custodian, State Capitol.
Helena, Montana.

Dear Mr. Mushback:

We wish to acknowledge receipt of furniture as listed below:

March 30, 1933—4 dark typewriter desks, 2 mahogany typewriter desks, 6 wire back swivel typewriter chairs, wooden seat.

April 1, 1933—7 dark oak typewriter desks, 3 wire back typewriter chairs, 4 wooden back typewriter chairs.

We wish to thank you very much for your kindness.

Yours very truly,

A. J. ROBERTS, JR.,
Assistant Treasurer.

December 6, 1933.

This is to inform the Investigating Committee of the House of Representatives, that the following list of furniture and supplies have been loaned out by me to the various officials and governmental agencies.

I have had the verbal authorization or request from the Board of Examiners for all my actions for the same.

WALTER A. SMALL, Custodian.

On motion of Freudenstein, report adopted.

REPORTS OF STANDING COMMITTEES

December 7, 1933.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 16, entitled: A bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in retail stores; persons employed in delivering goods sold in such stores; persons employed in wholesale warehouses used for supplying retail establishments with goods, and persons employed in delivering goods to retail establishments from such wholesale warehouses, and providing penalties for a violation thereof," respectfully report as follows: That House Bill No. 16 do pass.

BEADLE, Chairman.

On motion of Beadle, report adopted.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the Tenth Legislative Day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bills Nos. 22, 23, and 24.

SOMERVILLE, Chairman.

Without objection report adopted.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND THE SENATE

December 7, 1933.

The Speaker,
House of Representatives,
Helena.

In preparation for the tremendous project which the United States Government has undertaken in the building of the Fort Peck Dam it is found necessary to acquire title to a large area of state lands that will be flooded when the dam shall have been completed.

It is found that the restrictions of our present land laws will operate to delay much longer than is desirable the acquirement of title to these tracts, and it appears highly necessary that amendments be made which will expedite the matter of transfer.

I therefore submit this question for your consideration with the recommendation that this Assembly in Extraordinary Session enact such legislation as may in its judgment be desirable in order to authorize and expedite the sale of state lands and the ceding of jurisdiction to the United States Government in connection with the Fort Peck Dam and other projects undertaken by the Government of the United States.

Inheritance Tax Amendment

I also herewith submit for your consideration the question of amendment of our present inheritance tax laws, with a view to increasing revenues therefrom prospectively and, so far as valid, retrospectively; and I recommend that such amendment be enacted.

F. H. COONEY,
Governor.

MOTIONS AND RESOLUTIONS

Without objection additional time was granted Select Committee investigating salaries out of University Millage Fund.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following memorial was introduced, read first and second times and referred to Committee on Federal Relations:

House Joint Memorial No. 3, introduced by O'Connell, Freudenstein, Beadle: A memorial to the Congress of the United States of America, requesting the enactment of an adequate unemployment insurance law.

MOTIONS AND RESOLUTIONS

The following resolution was read and referred to Committee on Federal Relations:

House Joint Resolution No. 3, introduced by Sullivan, Freudenstein, Mulholland, Beadle, Goodwin, O'Connell, Ferry, Doran, McDermott, Harrington, Doe, Reardon, McCarvel, Larsen: A resolution urging the passage and approval of appropriate legislation by the next session of Congress providing for a sufficient protective tariff for the promotion and betterment of the domestic manganese industry and regulating the importation of foreign manganese.

COMMUNICATIONS AND PETITIONS

The following communication was read:

Butte, Montana, December 6, 1933.

Hon. D. A. Dellwo,
Helena, Montana.

My dear Mr. Speaker:

I received your telegram of sympathy upon the death of my wife and thank you for the sentiment expressed therein.

I would be pleased if you would communicate to my friends in the House my deep appreciation for their kind thoughts expressed in your telegram.

With kindest personal regards, I remain,

Very sincerely your friend,

W. W. McDOWELL.

It was moved by Besancon, duly seconded and carried, that the House recess until 3:30 o'clock.

House resumed. Haight, Speaker Pro Tem., in the Chair.

REPORTS OF STANDING COMMITTEES

December 7, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 6, a bill for an Act entitled: "An Act to permit the amortization of delinquent taxes on real estate; providing the terms and conditions thereof and repealing all Acts and parts of Acts in conflict herewith," respectfully report as follows: That House Bill No. 6 do not pass, but that the Substitute House Bill No. 6, entitled: A bill for an Act entitled: "An Act to permit the amortization of delinquent taxes on real estate, and certain personal property; providing the terms and conditions thereof; providing for the creation of a tax amortization fund and the disposition thereof, and repeal of Acts and parts of Acts in conflict therewith," do pass.

ROGNLIEN, Chairman.

On motion of Kruse, report adopted.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND THE SENATE

December 7, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day read three several times and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence:

S. B. No. 4, by Committee on Banks and Banking.

S. B. No. 5, by Committee on Banks and Banking.

The following House Bill was this day read third time and concurred in, title and history agreed to, and bill is herewith returned to the House:

H. B. No. 8, by Woodcock, Lewis and Shannon.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 7, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day introduced in the Senate, read first and second time, and referred to committees:

S. B. No. 9, by Committee on Judiciary: A bill for an Act entitled: "An Act authorizing and permitting cities and towns to make loans from the United States or any of its agencies created for such purpose under the Acts of Congress known as the Emergency Relief and Construction Act of 1932, and National Industrial Recovery Act, and Acts amendatory thereof and supplementary thereto, for the construction, purchase, acqui-

tion, enlargement, extension or improvement of municipal water plants and systems, the construction, enlargement, extension and improvement of sewers, sewer systems, septic tanks or other plants or systems for the treatment, purification or disposal of sewerage, providing the method of procedure therefor and validating all proceedings and elections heretofore commenced or held for such purposes, or any thereof." Referred to Committee on Judiciary.

S. B. No. 10, by Committee on Irrigation and Water Rights: A bill for an Act entitled: "An Act authorizing and empowering the State Engineer to negotiate compacts with other states regarding interstate waters." Referred to Committee on Irrigation and Water Rights.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 7, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That House Bill No. 8 be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 7, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Engrossing this day reported the following Senate Bills correctly engrossed, report adopted:

Senate Sub. for S. B. No. 1, by Committee on Counties and Towns.

S. B. No. 4, by Committee on Banks and Banking.

S. B. No. 5, by Committee on Banks and Banking.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 7, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President of the Senate this day appointed the following Senators to act with a like committee from the House in the investigation of building requirements, in accordance with the motion by Senator Clifford of December 6th:

Senators Clifford, Carroll, Burr, Holton and Staggs.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 7, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows, reports adopted:

Committee on Roads and Highways: That S. J. R. No. 1 be amended by striking from the typewritten resolution all of lines 5, 6, 7, 8 and 9, on page 2, and as so amended, recommend said resolution do pass.

Committee on Judiciary: That H. B. No. 9, by Marshall, be amended by adding a section, to be known as Section 5, as follows: "Section 5. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force and effect from and after its passage and approval." And as so amended, recommend said bill be concurred in.

Committee on Judiciary: That H. B. No. 3, by Nutting, Snidow, Fowler, Logan, Abrahamson, Kuhl, O'Shea, Manning, Annin and Pierson, be concurred in.

Committee on Judiciary: That H. B. No. 8, by Woodcock, Lewis and Shannon, be concurred in.

Committee on Judiciary: That S. B. No. 3, by Simmons, do pass.

Committee on Employment: That the following be added to the Senate organization:

Lillian C. Keister, proofreader, December 6.

Betty Peck, proofreader, December 6.

Fern Millsap, typist, December 7.

Lempi Kivinen, stenographer, December 6.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 7, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 1, by Besancon, was this day introduced in the Senate, read first and second time, and referred to Committee on Roads and Highways.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 7, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day introduced, read first and second time, and referred to committee:

S. B. No. 8, by Ruffcorn: A bill for an Act entitled: "An Act to cede jurisdiction to the United States over the Fort Peck Dam, the body of water created by such dam, the land under such body of water, and any lands now owned or which may be hereafter acquired by the United States and which shall touch such body of water, all being in the counties of Valley, Phillips, McCone, Garfield, Petroleum and Fergus, Montana, and reserving certain rights to the State of Montana." Referred to Committee on Public Lands.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, December 7, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That S. B. No. 4 be amended by striking out all of Section 4 of said Senate Bill and inserting in lieu thereof the following:

"Section 4. An emergency is hereby declared to exist, and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force from and after its passage and approval," and as so amended, recommend said S. B. No. 4 do pass.

That S. B. No. 5 be amended by striking out Section 2 of said Senate Bill and inserting in lieu thereof the following:

"Section 2. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force from and after its passage and approval," and as so amended, recommend said S. B. No. 5 do pass.

That consideration of Senate Sub. for S. B. No. 1 be passed for the day.

That consideration of H. B. No. 3 be passed for the day.

That consideration of H. B. No. 9 be passed for the day.

That consideration of H. B. No. 8 be passed.

That H. J. R. No. 2 be returned to the House for correction of the history and for printing.

On motion, H. J. R. No. 2 was segregated from the report of the Committee of the Whole.

On motion the President appointed a committee of three to redraft H. J. R. No. 2.

On motion Committee of the Whole report was adopted as amended.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker in the Chair.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bills were introduced, read first and second time and referred to committees:

Senate Bill No. 4, introduced by Committee on Banks and Banking: A bill for an Act entitled: "An Act to authorize commercial banks, savings banks, trust companies and investment companies to issue non-assessable preferred stock without liability on the holder other than to pay the original subscription price, and to borrow money for capital purposes, and to obtain consent of stockholders and to amend articles of incorporation for such purposes." Referred to Committee on Banks and Banking.

Senate Bill No. 5, introduced by Committee on Banks and Banking: A bill for an Act entitled: "An Act to authorize liquidating agents of closed state banks to borrow money from the Reconstruction Finance Corporation, or other governmental agency, on behalf of closed commercial banks, savings banks, trust companies and investment companies, and to pledge or mortgage assets or property thereof for the purpose of paying depositors and creditors." Referred to Committee on Banks and Banking.

The following bill was introduced without notice by unanimous consent of the House, read first and second time and referred to Committee on Revenue and Taxation:

House Bill No. 30, introduced by Revenue and Taxation Committee: A bill for an Act entitled: "An Act relating to the licensing and regulation of the manufacture, sale and distribution of beer and other similar beverages, and to amend Sections 2, 3, 9, 13, 14, 17, 20, 28, 30, 32, 43, 45, 48 and 49, and to repeal Sections 21, 22, 23, 24, 25, 26, 27, 38, 39, 41 and 42 of Chapter 106, Laws of 1933, relating thereto." Referred to Committee on Revenue and Taxation.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Friday, December 8th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

TWELFTH DAY

House of Representatives,
Helena, Montana, December 8, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present, except the following: Blankenbaker, Doran, Fowler, Setzer, excused. Givens and Watson (Missoula), absent.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND THE SENATE

December 8, 1933.

The Speaker,
House of Representatives,
Helena.

The appropriation bill known as House Bill No. 140, passed at the Regular Session and approved March 17, 1933, appropriated from the General Fund for each year of the current biennium the sum of Seven Thousand Dollars for the Veterans' Welfare Commission as follows: "For salaries and expenses, \$3500.00; for gifts and relief to war veterans, \$3500.00."

Previously, as in 1931, for example, this appropriation was "For veterans' welfare expenses, \$10,000.00."

This appropriation was made before the passage of the National Economy Act. As a result of this Act and regulations issued thereunder it has become necessary for the disabled veterans of this state to resubmit their cases to rating and reviewing boards. To do this, assistance of the Veterans' Welfare Commission is necessary, to the end that the disabled may have their claims adequately prepared and presented. An additional burden has thus been placed on the Veterans' Welfare Commission. The appropriation for salaries and expenses is nearly exhausted, but there remains in the "gift and relief appropriation" sufficient, if transferred, for general expenses and salaries to allow the Commission to continue its services. If such transfer is not made the Commission will be required to discontinue its services at a time when there is great need therefor.

I therefore recommend that this Extraordinary Session grant authority to the State Board of Examiners, the State Treasurer and the State Auditor, to transfer any unexpended balance heretofore appropriated for the

year ending June 30, 1934, from "gift and relief to war veterans" to the fund for "salaries and expenses" of the Veterans' Welfare Commission; and that like action be taken with reference to the sum of \$3500.00 appropriated for "gifts and relief" for the year ending June 30, 1935.

F. H. COONEY, Governor.

MOTIONS AND RESOLUTIONS

I move to have H. B. No. 16 withdrawn from the Printing Committee and re-referred to the Committee on Labor for purpose of amendment.

BEADLE.

Duly seconded and carried.

NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following bills:

By Roll: A bill for an Act entitled: "An Act providing for consolidation of school districts; providing for transportation; providing for officers and providing certain districts shall not receive aid from the county or state equalization fund."

By Watson (Meagher): A bill for an Act entitled: "An Act providing for the consolidation of all units of the State University of Montana and the removal of all units thereof to Lewistown, Fergus county, the geographical center of the state; to authorize the State Board of Examiners of the State of Montana to move, sell or dismantle any and all buildings now occupied or used by the units of said university and to contract and finance or enter into all necessary and appropriate contracts and arrangements with the United States under the National Recovery Act or other legislation of the United States in connection therewith, limiting the amount of indebtedness to be incurred not to exceed One and One-half Millions of Dollars."

By Appropriations Committee: A bill for an Act entitled: "An Act directing the State Board of Examiners, the State Auditor and the State Treasurer to transfer certain sums from and to certain accounts in the funds appropriated for the Veterans' Welfare Commission for the biennium ending June 30, 1935, for the purpose of enabling said Commission to maintain its efficiency and to properly handle the claims of disabled ex-service men for compensation under Acts of Congress."

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Grabow in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill Nos. 23 and 24, beg leave to report as follows:

That printed House Bill No. 23 be amended as follows: Amend line four of the title by inserting, after the word "machinery" the word "now," and amend Section 1 by striking out in line three the figure "14" and inserting in lieu thereof the figure "19," and as amended do pass.

That House Bill No. 24 be passed until Monday, December 11th.

GRABOW, Chairman.

On motion of Grabow, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Marshall, duly seconded and carried, that House Bill No. 23 be considered correctly engrossed and placed on Third Reading.

THIRD READING OF HOUSE BILLS

House Bill No. 23, introduced by Parker of Flathead, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Chapman, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Freed, Freudenstein, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Replogle, Rognlien, Roll, Rolph, Schuster, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Trenne, Ueland, Waite, Watson (Meagher), Whaley, Wigal, Woodcock, Mr. Speaker. Total 81.

Noes: Goodwin, Harrington, Reardon (Deer Lodge). Total 3.

Absent and not voting: Blankenbaker, Campbell, Doran, Fitzstephens, Fowler, Givens, Groene (Fergus), Nutting, Pierson, Ralston, Setzer, Shannon, Stiefel, Strange, Sullivan, Watson (Missoula), White. Total 17.

The Speaker: Eighty-one have voted "aye," three have voted "no"; House Bill No. 25 has passed the House.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

NOTICES

Authors gave notice that they would on tomorrow or some subsequent day introduce the following bills:

By McDermott: A bill for an Act entitled: "An Act regulating the hours of labor of drivers and attendants of motor busses, and motor trucks in the State of Montana; defining the term 'attendant' and fixing penalties for the violation of the provisions of this Act."

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Banks and Banking having had under consideration Senate Bill No. 5, entitled: "An Act to authorize liquidating agents of closed state banks to borrow money from the Reconstruction Finance Corporation, or other governmental agency, on behalf of closed commercial banks, savings banks, trust companies and investment companies, and to pledge or mortgage assets on property thereof for the purpose of paying depositors and creditors."

Respectfully report as follows: That Senate Bill No. 5 be concurred in.

MILLER (Lincoln) Chairman.

On motion of Miller, report adopted.

Mr. Speaker: We, your Committee on Banks and Banking having had under consideration Senate Bill No. 4 entitled: "An Act to authorize commercial banks, savings banks, trust companies and investment companies to issue non-assessable preferred stock without liability on the holder other than to pay the original subscription price, and to borrow money for capital purposes, and to obtain consent of stockholders and to amend articles of incorporation for such purposes."

Respectfully report as follows: That Senate Bill No. 4 be concurred in.

MILLER (Lincoln) Chairman.

On motion of Miller of Lincoln, report adopted.

Mr. Speaker: We, your Committee on Fairs and Expositions having had under consideration House Bill No. 25, entitled: "An Act to permit Boards of County Commissioners to lease Fair Grounds and Buildings thereon."

Respectfully reported as follows: That House Bill No. 25 do pass.

MASON, Chairman.

On motion of Mason, report adopted.

Mr. Speaker: We, your Committee on Labor, having had under consideration the re-reference of House Bill No. 16, entitled: A bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in retail stores; persons employed in delivering goods sold in such stores; persons employed in wholesale warehouses used for supplying retail establishments with goods, and persons employed in delivering goods to retail establishments from such wholesale warehouses, and providing penalties for a violation thereof."

Respectfully report as follows: That House Bill No. 16 do pass.

BEADLE, Chairman.

On motion of Beadle, report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed.

House Bills Nos. 19 and 26.

SOMERVILLE, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by O'Connell, duly seconded, that House Bill No. 11 be taken from the Judiciary Committee and re-referred to Committee on Labor. Motion was lost.

It was moved by Besancon, duly seconded and carried, that the Revenue and Taxation Committee be given the use of the House Chamber for hearing after the morning session of the House.

The following motion was made by Besancon, duly seconded and carried:

Mr. Speaker: Inasmuch as two standing committees of the House have given their attention to the matter of investigating the necessities and facilities for liquidation of the various building projects contemplated in bills before the House, including personal visits by one standing committee to some of the institutions where buildings are in prospect, it seems that no further investigation along that line is necessary by the House, so I move that we respectfully decline the request of the Senate for

the appointment of a House Committee to act with a like committee from the Senate in the matter of the motion by Senator Clifford, which the Senate recently adopted.

BESANCON.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Duffy in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Bills Nos. 4 and 5, beg leave to report as follows:

That Senate Bill No. 4 be concurred in.

That Senate Bill No. 5 be concurred in.

DUFFY, Chairman.

On motion of Duffy, report adopted.

THIRD READING OF SENATE BILLS

Senate Bill No. 4, introduced by Committee on Banks and Banking, having been read three several times, title and history agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Bal-lard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chap-man, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Ftizstephens, Freed, Freudenstein, Grabow, Hagerty, Haight, Harlen, Har-rington, Hilger, Holecek, Knowles, Kruse, Kuhl, Larson, Lewis, Logan, Lott, Love, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nel-stead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broad-water), Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Snidow, Spangler, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Wood-cock, Mr. Speaker. Total 85.

Noes: Goodwin. Total 1.

Absent and not voting: Blankenbaker, Doran, Fowler, Givens, Green (Dawson), Groene (Fergus), Jensen, McCarvel, Pierson, Setzer, Shannon, Somerville, Sparling, Sullivan, Watson (Meagher). Total 15.

The Speaker: Eighty-five have voted "aye", one has voted "no"; Senate Bill No. 4 has been concurred in by the House.

Senate Bill No. 5, introduced by Committee on Banks and Banking, having been read three several times, title and history agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Bal-lard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chap-man, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Freed, Freudenstein, Grabow, Green, Haight, Harlen, Harrington, Hilger, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McDermott, Mc-Elwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen,

Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Shannon, Snidow, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 81.

Noes: Goodwin, O'Connell, Woodcock. Total 3.

Absent and not voting: Blankenbaker, Doran, Fitzstephens, Fowler, Givens, Hagerty, Groene (Fergus), Holecek, Jensen, McCarvel, Metlen, Pierson, Schuster, Setzer, Somerville, Sullivan, Watson (Meagher). Total 17.

The Speaker: Eighty-one have voted "aye," three have voted "no"; Senate Bill No. 5 has been concurred in by the House.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following bill was introduced without notice by unanimous consent of the House, read first and second time at length and referred to Committee on Appropriations.

House Bill No. 31. By Committee on Appropriations, a bill for an Act entitled: "An Act to appropriate money to establish and operate state liquor stores authorized by Chapter 105 of the laws of the Twenty-third Legislative Assembly of the State of Montana, commonly known as the State Liquor Control Act."

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 11, entitled: "An Act providing for the exemption from attachment, garnishment and/or execution of the earnings of a judgment debtor repealing Section 9429 of the Revised Codes of Montana, 1921, as amended by Chapter 3 of the Session Laws of the Twenty-third Legislative Assembly in Regular Session, and all Acts and parts of Acts in conflict herewith."

Respectfully report as follows: That House Bill No. 11, be printed and placed on General Orders without recommendation.

REPLOGLE, Chairman.

On motion of Replogle, report adopted.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 9:30 o'clock Saturday, December 9th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

THIRTEENTH DAY

House of Representatives,
Helena, Montana, December 9, 1933.

House convened, pursuant to adjournment, at 9:30 o'clock.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present, except the following:

Blankenbaker, Givens, Groene (Fergus), excused. Fowler absent.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the eleventh legislative day of the Extraordinary Session of the Twenty-third Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

NOTICES

Authors gave notice that they would on tomorrow, or some subsequent day introduce the following bills:

A bill for an Act entitled: "An Act to amend Section 9429 of the Revised Codes of Montana, 1921, as amended by Chapter 3 of the Session Laws of the Twenty-third Legislative Assembly, relative to exemption of earnings of judgment debtors." Introduced by Fitzstephens.

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

We your committee appointed to investigate salaries paid to persons outside the state, from University Funds, find as follows: First, that a Mrs. Una D. Herrick, former dean of women at Bozeman, now a resident of California, appears on the pay roll under the title of Vocational Guidance Advisor, at a salary of \$1200.00 per year.

After a student demonstration at the Bozeman college in 1930, Mrs. Herrick resigned as dean, her salary at that time was \$3600.00 per year. She was then given a sabbatical leave of absence for one year at a salary of \$150.00 per month during the 1931-32 school year. This sabbatical leave of absence was irregular because of the fact, that Mrs. Herrick had resigned as dean of women and had closed her official duties with the institution and was thereby disqualified for any such leave of absence. However, the Board of Education approved of same.

At the close of the sabbatical year, Mrs. Herrick's name appears on the pay roll under the title of Advisory Vocational Guidance Director, during the school year 1932-33 and under contract will continue through 1933-34.

We find members of the Board of Education, through error, approved of this contract.

We believe this person has been paid sufficient for good will or guidance and that the contract should be cancelled. We feel this might be a first step in retirement at half pay from University Funds. This committee does not approve of such practice and recommends the discontinuance of same by the State Board of Education.

Second. We find on the Missoula unit payroll approved by President Clapp, the name of Mrs. Francis Corbin, also a resident of California.

We find this person is paid \$1,000.00 per year, or \$83.33 per month, and teaches nine weeks only during the summer school session. This appears to be for "good will," a pension or gratuity, because no instructor could earn "for services rendered" in nine weeks One Thousand Dollars.

We believe that it is unwise to pay employees of the University by the year, as thus, when teachers are having vacations others may be taking their places at these summer schools, and thus cause duplication, with added expense to the state.

Leaves of Absences. Leaves of absence have been checked and we find \$54,790.00 have been paid to persons connected with the units of the university on such leaves since 1928. However, none are on leaves of absence on this date.

Our investigation opened a great many questions not within the power of this committee to handle, and we believe that it would take considerable time to straighten out the situation, therefore, we make no recommendations, but merely lay the case in brief before this Honorable Body.

GREEN (Dawson),
RALSTON (Glacier),
HAIGHT (Fergus).

On motion of Green of Dawson, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried that the Speaker appoint a committee of five members and authorize them to proceed with the investigation of the financial affairs of the Greater University of Montana and make further recommendation to the House.

The following motion was made by Besancon, duly seconded and carried.

December 9, 1933.

Mr. Speaker: I move that the Senate be requested to return House Bill No. 5 to the House.

BESANCON.

Motion duly seconded and carried.

It was moved by Grabow, duly seconded and carried, that the committee appointed at the Regular Session for the purpose of preparing bill on Regulation of Sale of Beer, be authorized to sit in with Committee on Revenue and Taxation.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND THE SENATE

It was moved by Besancon, duly seconded and carried, that the Senate messages be considered read at length and the Journal so show:

December 8, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the select committee from the Senate, appointed for the consideration of House Joint Resolution No. 2, by Ralston, have this day reported as follows:

"That House Joint Resolution No. 2 be amended by striking all the words contained in said resolution after the word, "America," in line 8, and inserting the following:

"To His Excellency, the President of the United States:

We, the members of the Legislative Assembly of Montana in Special Session assembled, appreciative of many Federal grants to Montana for needed relief, and realizing that you may desire to personally inspect the site and initial work on the Fort Peck Dam and other public works proposed or in course of construction within the State of Montana, and recognizing the fact that you will need to refresh yourself from the cares and worries of state, hereby extend to you a cordial invitation to

spend a vacation within the State of Montana, in Glacier National Park or Yellowstone National Park, or any other place to be selected by you. In extending this invitation, we confidently believe you will enjoy the scenery, fishing and the climate of the 'Treasure State'."

And as so amended, recommend H. J. R. No. 2 be concurred in, report adopted.

(Signed)

KANE,
HUSBAND,
LARSON.

Select Committee.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 8, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 22, by Besancon, was this day introduced in the Senate, read first and second time, and referred to Committee on Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 8, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That Senate Sub. for S. B. No. 1 be amended in Section 2 by striking out in line 24 the words, "legal, brokerage," and in line 25 the words, "fiscal agency"; and inserting after the period in line 28 the following: "No attorney fees, brokerage or other fees or commission of any kind shall be paid to any person or corporation for assisting in the proceedings, or in the preparation of the bonds or in negotiating the sale thereof."

That said Bill be further amended in Section 5 by striking out in line 9 the word, "six", and inserting in lieu thereof the word, "five."

That said bill be further amended in Section 8 by striking out in line 3 the word, "six" and inserting in lieu thereof the word, "five."

And as so amended, recommend said bill do pass.

That consideration of H. B. No. 3 be passed for the day.

That consideration of H. B. No. 9 be passed for the day.

That S. B. No. 3 do pass.

That S. J. R. No. 1 do pass.

That H. J. R. No. 2 be concurred in.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, December 8, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Roads and Highways: That S. B. No. 7 be amended by adding to Section 4, after the word "vehicle" in line 30, typewritten bill, the following words:

"Provided further, that this Act shall be applicable only to applications for registration or re-registration of motor vehicles upon which license has not heretofore been paid."

Further amend by striking out all of Section 3 and inserting in lieu thereof:

"Section 3. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect from and after January 1, 1934."

And as so amended, recommend said S. B. No. 7 do pass, report adopted.

Committee on Public Lands: That S. B. No. 8 do pass, report adopted.

Committee on Public Lands: That S. B. No. 6 be amended in the title by striking the period, inserting a semi-colon in place thereof, and adding the following words: "and also authorizing and regulating the sale of state lands for projects under the administration of the State Water Conservation Board."

Further amend in Section 3 by inserting in line 4, following the word "value," the words: "No land shall be sold for less than the appraised value;"

Further amend by inserting a new section to be known as Section 5, as follows: "Section 5. The provisions of this Act shall also apply to the sale of state lands for projects under the administration of the State Water Conservation Board."

Further amend by renumbering Section 5 to read "Section 6."

And as so amended, recommend bill do pass, report adopted.

Committee on Printing: That S. B. No. 3 and S. J. R. No. 1, have been returned from the printer correctly printed, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 8, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Joint Memorials were this day introduced in the Senate, read first and second time, and referred to committees:

S. J. M. No. 3, by Kelsey, A Memorial to the President of the United States, the Secretary of Agriculture of the United States, and Chief Forester of the United States." Referred to Committee on Federal, state and local relief. (Introduced without previous notice by unanimous consent of the Senate.)

S. J. M. No. 4, by Committee on Agriculture: A Memorial to the President of the United States relating to the administration of Federal Farm Loans by the Federal Land Bank located at Spokane, Washington, and other agencies in relation to loans upon farms within the State of Montana. (Introduced without previous notice). Referred to Committee on Agriculture.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Repogle, duly seconded and carried that a committee of five members be appointed to investigate the records and conduct of the Veterans Welfare Commission for the past two years and make report to this House and recommendations.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following bills were introduced, read first and second time and referred to committees.

House Bill No. 33, introduced by Roll: A bill for an Act entitled: "An Act providing for consolidation of school districts; providing for transportation; providing for officers and providing certain districts shall not receive aid from the county or state equalization fund." Referred to Committee on Education.

House Bill No. 34, introduced by McDermott: A bill for an Act entitled: "An Act regulating the hours of labor of drivers and attendants of motor busses, and motor trucks in the State of Montana; defining the term 'attendant' and fixing penalties for the violation of the provisions of this Act." Referred to Committee on Highways.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders and that all bills be read by history, title and section number, except as otherwise requested by members of the House.

Spangler in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bills Nos. 19 and 26, beg leave to report as follows:

That House Bill No. 19 be passed for the day.

That House Bill No. 26 be passed for the day.

SPANGLER, Chairman.

On motion of Spangler, report adopted.

COMMUNICATIONS AND PETITIONS

The following message was read:

Washington, D. C. December 9, 1933.

T. C. Spaulding, Director.
Civil Works,
State Capitol,
Helena, Montana.

Congratulations to Montana on being the first state in the Union to go over the top with its civil works quota.

HARRY L. HOPKINS.

It was moved by Besancon, duly seconded and carried, that the House recess until 1:30 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following bills:

By Moss: A bill for an Act entitled: "An Act to amend Section 97 of Chapter 105 of the Montana Session Laws of 1933 (the State Liquor Control Act) relating to the apportionment and distribution of the net profits obtained from the operation of such Act, and providing that such net profits be allocated to the counties of the state as emergency relief funds."

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the twelfth legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection report adopted.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR
AND THE SENATE

December 9, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of the Judiciary Committee, duly seconded and carried, the Senate herewith returns House Bill No. 5, to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried that House Bill No. 5 be re-referred to Committee on Revenue and Taxation for further consideration.

Without objection members on Revenue and Taxation Committee were excused.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

It was moved by Moss, duly seconded and carried, that communications from the Senate be considered at length and that the Journal so show.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 23, by Parker of Flathead, was this day introduced in the Senate, read first and second times, and referred to Committee on Agriculture.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, December 9, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Judiciary: That S. B. No. 2, by Lamp, Husband, Rowland, Simmons, Parkin, Angvick, Kelsey, Corwin and Coburn, do not pass, report adopted.

Committee on Judiciary: That S. B. No. 9, by Judiciary Committee, do pass, report adopted.

Committee on Judiciary: That H. B. No. 22, by Besancon, be concurred in, report adopted.

Committee on Judiciary: That H. B. No. 5, by Revenue and Taxation Committee, be returned to the House. Committee reported as follows: "It is the opinion of your committee that the Senate has no power to legislate on the subject contained in said bill, since at the time it was introduced in the House it had not been recommended by the Governor nor specified in his proclamation calling the Extra Session." Report adopted.

Committee on Irrigation and Water Rights: That S. B. No. 10, by Committee on Irrigation and Water Rights, do pass, report adopted.

Committee on Federal, State and Local Relief: That S. J. M. No. 3, by Kelsey, do pass, report adopted.

Committee on Agriculture: That S. J. M. No. 4, by Committee on Agriculture, do pass, report adopted.

Committee on Printing: That S. B. Nos. 6, 7 and 8 have been returned from the printer correctly printed.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Under motion of Shannon, the Speaker designated Haight of Fergus, Green of Dawson, Ralston of Glacier, Shannon of Sanders, and Watson of Meagher to investigate financial affairs of the Greater University of Montana, and make further recommendations.

Under motion of Replogle, the Speaker designated Replogle of Fergus, Spangler of Mineral, Grabow of Park, Kruse of Garfield and Annin of Stillwater, to investigate the records and conduct of the Veterans Welfare Commission for the past two years and make report thereon, and recommendations.

REPORTS OF STANDING COMMITTEES

December 9, 1933.

Mr. Speaker:

We, your Committee on Revenue and Taxation having had under consideration House Bill No. 5. A bill for an Act entitled: "An Act to amend Section 2 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, and Section 3 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, as amended by Chapter 141 of the Twentieth Legislative Assembly of 1927, relating to tax on direct and collateral inheritances, bequests and devises, and to provide for its assessment and collection.

Respectfully recommend as follows: That House Bill No. 5 do not pass.

But that Substitute House Bill No. 5 entitled: A bill for an Act entitled: "An Act to amend Section 2 of Chapter 65, of the Eighteenth Legislative Assembly of 1923, and Section 3, of Chapter 65, of the Eighteenth Legislative Assembly of 1923, as amended by Chapter 141, of the Twentieth Legislative Assembly of 1927, relating to tax on direct and collateral inheritances, bequests and devises; to provide for its assessment, collection and distribution; and to provide funds for the support and relief of the needy and for their employment." Do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

It was moved by Besancon, duly seconded and carried that the House now adjourn until 11:00 o'clock Sunday, December 10th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FOURTEENTH DAY

House of Representatives,
Helena, Montana, December 10, 1933.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present, except the following:

Beadle, Blankenbaker, Doran, Groene (Fergus), Mulholland, Reardon (Deer Lodge), Wigal, excused. Sullivan absent.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the thirteenth legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

December 10, 1933.

RESOLUTION

WHEREAS This Assembly is trying to ascertain the earning power of some of the corporations of the state, and

WHEREAS We don't know the exact net earnings, so as to determine the justification of the so-called sales tax,

NOW THEREFORE Be it resolved that the Secretary of the State furnish each member of this Assembly with a copy of the corporation returns for all cement, flour, sugar and wholesale houses in the State of Montana.

PILGERAM.

On motion of Pilgeram resolution adopted.

REPORTS OF STANDING COMMITTEES

December 8, 1933.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bills Nos. 11, 16, 25 and 6.

SOMERVILLE, Chairman.

Without objection, report adopted.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under rules of the previous sitting.

Pilgeram in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Substitute House Bill No. 6, beg leave to report as follows:

That printed Substitute House Bill No. 6 be amended as follows: Amend Section 2 by striking out in line 13 after the word "taxes" all the rest of the line and inserting in lieu thereof "at any time before March 1, 1934," and by adding after the word "same," in line 9, the following: "If any such statement appears to be made or omitted for the purpose of fraud." And by amending Section 5 by adding the following after striking the period mark in line 2, "provided, however, that if, at any time, in the future the interest on delinquent taxes are reduced below 8% the interest on these contracts shall then be automatically reduced a like amount and be effective on any contract then in existence," and amend by inserting a new section numbered 11 as follows: "Section 11. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional," and that subsequent sections be renumbered; and amend by inserting a new section numbered 10 as follows: "Section 10. The provisions of this Act shall apply to taxes on all property of the classes herein described which are collected by incorporated towns and cities," and that subsequent sections be renumbered; and as amended do pass.

PILGERAM, Chairman.

On motion of Pilgeram, report adopted.

MOTIONS AND RESOLUTIONS

Mr. Speaker: I move that the committee appointed to investigate the affairs of the Greater University also be given authority to investigate the affairs of the Board of Education.

HAIGHT.

Duly seconded and carried.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following bill was introduced, read first and second time and referred to Committee on Judiciary:

House Bill No. 35, introduced by Fitzstephens: A bill for an Act entitled: "An Act to amend Section 9429 of the Revised Codes of Montana, 1921, as amended by Chapter 3 of the Session Laws of the Twenty-third Legislative Assembly, relating to exemption of earnings of judgment debtors."

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under rules of the previous sitting.

Pilgeram in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bills Nos. 25, 19, 26, report and recommend as follows:

That printed House Bill No. 25—amend Section 1 by striking out in line 5 after the word "bond" all the rest of the line and in line 6, the following: "in the sum of Five Thousand Dollars (\$5000.00)," and inserting in lieu thereof the words "such as the Board of County Commissioners may deem sufficient," and as amended do pass.

That the original House Bill No. 19 be amended by adding after the title the following: "Be it enacted by the Legislative Assembly of the State of Montana:" and amend Section 2 of the printed bill by inserting after the word "works," line 10, page 2 of the printed bill, another subdivision designated "4," reading as follows, to-wit: (4) Or procuring a supply of water for a municipality which shall own and control such water supply and devote the revenues derived therefrom to the payment of the debt. And amend Section 5, of the printed bill, by adding in line 1, before the word "it," the words "except in counties with a population of 45,000 or over," and as amended do pass.

That printed House Bill No. 26 be amended as follows: Amend Section 2 by striking out in line 7 the words "must at the expense of the county cause him to be removed to the county" and by inserting in lieu thereof the words "may provide him with transportation fund to move to the county," and as amended do pass.

PILGERAM.

On motion of Pilgeram, report adopted.

MOTIONS AND RESOLUTIONS

The following resolution was introduced and referred to Committee on Rules and Joint Rules:

RESOLUTION

WHEREAS, the Extraordinary Session of the Legislature was called for the major purposes of affording relief, amending the liquor law, getting new revenues, setting up agencies for controlling irrigation projects and some minor corrections of the laws of the 1933 Session;

AND WHEREAS, ample time has been afforded for consideration and acting upon these subjects;

AND WHEREAS, we should consider economy and efficiency;

THEREFORE, BE IT RESOLVED, that no bills, except for expenses of State Government, shall be introduced after Thursday, December 14, except by unanimous consent;

AND BE IT FURTHER RESOLVED, that all committees be directed and urged to take prompt action on bills under their consideration and to promptly bring them before the House.

MARSHALL,
NELSTEAD,
FREED,
WATSON (Missoula).

It was moved by Besancon, duly seconded and carried, that the House recess until 2:30 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

December 10, 1933.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 31, a bill for an Act entitled: "An Act to appropriate money to establish and operate state liquor stores au-

thorized by Chapter 105 of the Laws of the Twenty-third Legislative Assembly of the State of Montana, commonly known as the State Liquor Control Act," respectfully report as follows:

That House Bill No. 31 be amended as follows:

In Section 3 on line 29 after the word "shall" insert the word "not" and strike out the word "invalidity" and insert the word "validity," and as amended recommend that bill be printed and placed on General Orders without recommendation.

SHANNON, Chairman.

On motion of Shannon, report adopted.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that consideration of General Orders be passed for the day.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Monday, December 11th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FIFTEENTH DAY

House of Representatives,
Helena, Montana, December 11, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present, except the following: Manning, Roll, absent; Blankenbaker, Givens, excused.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the Fourteenth Legislative Day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

REPORTS OF STANDING COMMITTEES

December 11, 1933.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 32, A bill for an Act entitled: "An Act directing the State Board of Examiners, the State Auditor and the State Treasurer to transfer certain sums from and to certain accounts in the funds appropriated for the Veterans' Welfare Commission for the biennium ending June 30, 1935, for the purpose of enabling said Commission to maintain its efficiency and to properly handle the claims of disabled ex-service men for compensation under Acts of Congress," respectfully report as follows: That House Bill No. 32 do pass.

SHANNON, Chairman.

On motion of Shannon, report adopted.

MOTIONS AND RESOLUTIONS

Mr. Speaker: I move the Engrossing Committee be authorized to change the designation of the amendment to House Bill 19 in Section 2, so that the same may be inserted in such section as numbered (3) and the present number (3), as contained in the bill, be designated as number (4).

BESANCON.

Seconded and carried.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND
READING OF THE SAME

The following bill was introduced, read first and second time and referred to Committee on Revenue and Taxation:

House Bill No. 36, introduced by Goodwin: A bill for an Act entitled: "An Act to raise revenue for state, county and municipality by the issuance of liquor, wine and beer stamps, licenses for manufacture, distribution and sale of liquor, wine and beer, or any brewed, malted, fermented and distilled alcoholic and other similar beverages, and for the regulation of sale and distribution of any brewed, malted, fermented and distilled alcoholic and other similar beverages, and for the raising and disposition of revenues therefrom, and providing penalties for the violations of any of its provisions."

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under rules of the previous sitting.

Metlen in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

It was moved by Metlen, duly seconded, that the report of the Committee of the Whole be adopted.

On substitute motion of O'Connell, it was moved that House Bill No. 11 be segregated from the Committee of the Whole report, and on roll call, which was requested, was defeated by the following vote:

Ayes: Beadle, Campbell, Chapman, Duffy, Ferry, Freudenstein, Goodwin, Harrington, Love, McCarvel, Mulholland, Nass, O'Connell, Pilgeram, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rolph, Schuster, Sullivan, Whaley. Total 22.

Noes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Besancon, Bjorneby, Breitenstein, Byrne, Conner, Cusker, Daugherty, Doe, Ecton, Findlater, Fitzstephens, Freed, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, McElwain, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Porter, Quamme, Ragen, Rognlien, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), White, Wigal, Woodcock, Mr. Speaker. Total 71.

Absent and not voting: Blankenbaker, Doran, Fowler, Givens, McDermott, Manning, Pierson, Roll. Total 8.

Mr. Speaker: Twenty-two have voted "aye"; seventy-one have voted "no," and substitute motion by O'Connell was lost.

Whereupon the previous motion by Metlen, report was adopted.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bills Nos. 16, 11 and 24, beg leave to report as follows:

That printed House Bill No. 16 be amended as follows: Amend Section 1, line 1, by striking out the words "of eight (8) hours shall constitute a day's work, and a period" and amend Section 1 by adding after the period in line 6 the following: "Providing, however, this does not conflict with the code as set by the National Recovery Act applying to such establishments"; and amend Section 1 by inserting in line 3 after the words "retail stores" "and in all leased business where the lessor dictates the price, also kind of merchandise that is sold, and the hours and conditions of operation of the business," and amend by adding a new section as follows: "Section 3. The provisions of this Act shall not apply to registered pharmacists when called irregularly to supply the needs of the sick and/or injured," and renumber subsequent sections accordingly, and as amended do pass.

House Bill No. 11, recommend that the enacting clause be stricken.

That printed House Bill No. 24 be amended as follows:

That the figure "1" be stricken out in line 5 of Section 1, and as amended, do pass.

METLEN, Chairman.

It was moved by Besancon, duly seconded and carried, that the House recess until 3:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following bills:

By Replogle: A bill for an Act entitled: "An Act relating to certain license fees to be paid by collecting agents and other persons, firms or corporations other than attorneys-at-law engaged in collection of bills, notes or accounts; and fixing license fees thereof and prescribing a penalty for failure to pay said license fee or otherwise failing to comply with the provisions therein."

REPORTS OF STANDING COMMITTEES

December 11, 1933.

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration House Joint Memorial No. 2, entitled: A memorial addressed to the Congress of the United States, requesting the enactment of effective laws prohibiting the producers and distributors of gasoline from establishing unfair and unjust prices for the sale at retail to the people of the United States, and thus removing unjust discrimination," respectfully report as follows: That House Joint Memorial No. 2 do pass.

CUSKER, Chairman.

On motion of Cusker, report adopted.

December 11, 1933.

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration House Joint Resolution No. 3, entitled: A resolution urging the passage and approval of appropriate legislation by the next session of Congress providing for a sufficient protective tariff for the

promotion and betterment of the domestic manganese industry and regulating the importation of foreign manganese to the Honorable Senate and House of Representatives of the United States in Congress assembled," respectfully report as follows: That House Joint Resolution No. 3 do pass.

CUSKER, Chairman.

On motion of Cusker, report adopted.

December 11, 1933.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 33, entitled: A bill for an Act entitled: "An Act providing for consolidation of school districts; providing for transportation; providing for officers and providing certain districts shall not receive aid from the county or state equalization fund," respectfully report as follows: That House Bill No. 33 be printed and placed on General Orders, without recommendation.

FREED, Chairman.

On motion of Freed, report adopted.

December 11, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. B. Nos. 25, 6, 26 and 19.

ROLPH, Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

Substitute House Bill No. 5.

SOMERVILLE, Chairman.

Without objection, report adopted.

The Speaker announced he was about to sign Senate Bill No. 4, whereupon the Clerk read the title of the bill and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Bill No. 5, whereupon the Clerk read the title of the bill and the Speaker did sign in the presence of the House.

MOTIONS AND RESOLUTIONS

It was moved by Duffy, duly seconded, that House Bill No. 16 be taken from the Engrossing Committee and re-referred to Committee on Labor. Motion was lost.

Mr. Speaker: I move that the Employment Committee give us a report on how many employees they have on the House pay roll, what county they are from, what work they are doing, and how many were confirmed by the House from committee reports.

BALLARD.

On motion of Ballard, carried.

THIRD READING OF HOUSE BILLS

House Bill No. 25, introduced by Pilgeram and Rearden of Cascade: A bill for an Act entitled: "An Act to permit Boards of County Commissioners to lease county fair grounds and buildings thereon," having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 95.

Noes: None.

Absent and not voting: Blankenbaker, Givens, Pierson, Ralston, Rolph, Stiefel. Total 6.

Mr. Speaker: Ninety-five have voted "aye," none have voted "no"; House Bill No. 25 has passed the House.

Sub. House Bill No. 6, introduced by Groene and Committee on Taxation: A bill for an Act entitled: "An Act to permit the amortization of delinquent taxes on real estate, and certain personal property; providing the terms and conditions thereof; providing for the creation of a tax amortization fund and the disposition thereof, and repeal of Acts and parts of Acts in conflict therewith," having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 93.

Noes: Holecek, Rolph. Total 2.

Absent and not voting: Blankenbaker, Givens, Pierson, Logan, Stiefel, Watson (Meagher). Total 6.

Mr. Speaker: Ninety-three have voted "aye," two have voted "no"; House Bill No. 6 has passed the House.

House Bill No. 26, introduced by Harlen: A bill for an Act entitled: "An Act to amend Sections 4531, 4532 and 4533 of the Revised Codes of Montana of 1921, amended by Chapter 91, Laws of Montana, 1931, relating to the application of destitute persons seeking relief; the residence of said persons; and providing temporary relief to non-residents," having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Doran, Ecton, Ferry, Findlater, Fitzstephens, Fow-

ler, Freed, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Roll, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 87.

Noes: Duffy, Harrington, Rolph. Total 3.

Absent and not voting: Blankenbaker, Freudenstein, Givens, Groene (Fergus), McDermott, Pierson, Ralston, Watson (Meagher). Total 8.

The following passed their vote: Cusker, Replogle, Woodcock. Total 3.

Mr. Speaker: Eighty-seven have voted "aye," three have voted "no"; House Bill No. 26 has passed the House.

House Bill No. 19, introduced by Committee on Judiciary: A bill for an Act entitled: "An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other political subdivision, or any other governmental agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works," having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Findlater, Fitzstephens, Fowler, Freudenstein, Grabow, Hagerty, Harlen, Jensen, Kruse, Larsen, Logan, Lott, McCarvel, McDermott, McElwain, Marshall, Mason, Miles, Moss, Mulholland, Nelstead, Nutting, O'Connell, Pierson, Porter, Quamme, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Roll, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Ueland, Waite, Watson (Missoula), White, Wigal, Mr. Speaker. Total 61.

Noes: Anderson, Byrne, Doe, Ferry, Freed, Goodwin, Green (Dawson), Haight, Harrington, Hilger, Holecek, Knowles, Kuhl, Lewis, Love, Manning, Miller (Big Horn), Miller (Lincoln), Nass, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Ragen, Ralston, Replogle, Rolph, Schuster, Setzer, Stevens (Wheatland), Sullivan, Trenne, Whaley, Woodcock. Total 34.

Absent and not voting: Blankenbaker, Givens, Groene (Fergus), Metlen, Shannon, Watson (Meagher). Total 6.

Mr. Speaker: Sixty-one have voted "aye," thirty-four have voted "no"; House Bill No. 19 has passed the House.

MOTIONS AND RESOLUTIONS

The following substitute resolution was offered and Besancon moved that same be adopted.

RULES COMMITTEE SUBSTITUTE FOR RESOLUTION OFFERED BY MARSHALL, NELSTEAD, FREED AND WATSON OF MISSOULA

WHEREAS, This Extraordinary Session of the Legislature was called and is held for the purpose of considering the subjects mentioned in the

Governor's call and later messages, all of vast importance to the people of the state, and to meet the emergencies now existing; and,

WHEREAS, While these matters, most of them in new fields of legislation, have required considerable time in formulating the policies to be pursued and the measures to be prepared, yet in the interests of economy and to meet the emergencies facing the state and if such measures are to have value, all now offered and being considered should receive the final action of the House as speedily as possible;

THEREFORE, BE IT RESOLVED, That no bills excepting for expenses of State Government, shall be introduced after Thursday, December 14, except by the consent of two-thirds of the members of the House, to be determined on motion when the bill is offered for introduction;

AND BE IT FURTHER RESOLVED, That all committees and subcommittees be directed and urged to take prompt and final action on all bills under their consideration and bring them before the respective committees and to the House without any further delay.

COMMITTEE ON RULES.

By Besancon, Chairman.

It was moved by O'Connell, duly seconded and carried, that the substitute resolution be amended by changing the words "two-thirds" to "a majority." Whereupon substitute resolution was adopted, as amended.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock Tuesday, December 12th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

SIXTEENTH DAY

House of Representatives,
Helena, Montana, December 12, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present, except the following: Blankenbaker, Givens, excused; Fitzstephens, Groene (Fergus), absent.

REPORTS OF STANDING COMMITTEES

December 12, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. B. Nos. 16 and 24.

ROLPH, Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bill No. 31.

SOMERVILLE, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

MOTION

WHEREAS, The Ways and Means Committee was authorized on the tenth legislative day on motion of Love amended by Shannon to furnish information on the requirements and needs of various funds, therefore I move they be further instructed to procure and furnish information as to whether the various departments of the state are living within their anticipated income and the Appropriations made and whether their operation is likely to necessitate deficiency appropriations for this biennium.

MARSHALL,
GREEN (Dawson).

Duly seconded and carried.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

House Joint Memorial No. 4, introduced by Daugherty, O'Shea, Kuhl, Pilgeram, Chapman, Schuster, O'Connell, Ragen, Hilger, Mason, Nass, Haight, Ueland, Parker (Broadwater) Fowler, Lott, Love, Balgord, Rolph, Kruse, Lewis, Stevens (Wheatland), Whaley, Byrne, Green (Dawson), Beadle. A Memorial to the President of the United States and Congress of the United States relating to the condition of Agriculture within the United States. Referred to Committee on Agriculture.

THIRD READING OF HOUSE BILLS

Without objection, unanimous consent was given to suspend rules on the reading of bills at length on Third Reading unless otherwise requested.

House Bill No. 16, introduced by Mulholland, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Findlater, Fowler, Freed, Freudenstein, Goodwin, Ferry, Grabow, Green (Dawson), Hagerty, Haight, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Setzer, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 89.

Noes: Annin, Arnold. Total 2.

Absent and not voting: Blankenbaker, Fitzstephens, Givens, Groene (Fergus), Harlen, Pierson, Roll, Shannon, Snidow, Somerville. Total 10.

Mr. Speaker: Eighty-nine have voted "aye", two have voted "no"; House Bill No. 16 has passed the House.

House Bill No. 24, introduced by Groene (Fergus) having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Ralston, Reardon (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Setzer, Snidow, Somerville, Spangler, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 88.

Noes: Byrne, Knowles, Rolph. Total 3.

Absent and not voting: Blankenbaker, Fitzstephens, Givens, Groene (Fergus), Harlen, Love, Pierson, Roll, Shannon, Sparling. Total 10.

The Speaker: Eighty-eight have voted "aye", three have voted "no"; House Bill No. 16 has passed the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under rules of the previous sitting.

Byrne in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Substitute House Bill No. 5, beg leave to report as follows:

That House Substitute Bill No. 5 do pass.

BYRNE, Chairman.

On motion of Byrne, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Reardon of Deer Lodge, duly seconded, that the House reconsider motion made by Ballard yesterday for report on House Employees. Motion was lost.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

NOTICES

Authors gave notice that they would, on tomorrow or some subsequent day, introduce the following bills:

By Stevens (Wheatland) and Miller (Big Horn), a bill for an Act entitled: "An Act reducing the penalty on delinquent taxes from and after March 1st, 1934, and repealing all Acts and parts of Acts in conflict herewith."

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bill No. 32.

SOMERVILLE, Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the fifteenth legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

December 11, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion, by Husband, Corwin, Simmons, was this day made and was referred to the Rules Committee by the President pro tem:

"We, the undersigned, jointly move that the Senate decline to receive for consideration any resolution, memorial or bill from the House of Representatives after Friday, December 15th, 1933, except those resolutions, memorials or bills which may have been referred to a joint conference committee on or before December 15th, 1933."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 12, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 2 was this day read three several times and concurred in as amended, title and history agreed to, and Resolution is herewith returned to the House, for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 12, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bills and Senate Joint Resolution were this day read three several times and passed, title and history agreed to, and are herewith transmitted to the House for concurrence:

Senate Substitute for S. B. No. 1, by Committee on Counties and Towns.

Senate Bill No. 3, by Simmons.

Senate Joint Resolution No. 1, by Eaton, Simmons, Kelsey and Putnam.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 12, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 3, by Nutting, Snidow, Fowler, Logan, Abrahamson, Kuhl, O'Shea, Manning, Annin and Pierson was this day read three several times and concurred in, as amended, title and history agreed to, and bill is herewith returned to the House, for concurrence in the Senate amendment.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 12, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That S. B. No. 9 be amended in Section 8 by striking out in line 3 of Section 8 the word "authorized" and inserting in lieu thereof the word "legal";

And as so amended, recommend said S. B. No. 9 do pass.

That S. B. No. 10 do pass.

That S. J. M. No. 3 do pass.

That S. J. M. No. 4 do pass.

That H. J. R. No. 1 be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 11, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Kane, duly seconded and carried, House Bill No. 1 was taken from General File of today and placed on General File for tomorrow.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 11, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Printing this day reported the following bills back from the printers correctly printed:

S. B. No. 9.

S. B. No. 10.

S. J. M. No. 3.

S. J. M. No. 4.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 11, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Campbell, duly seconded and carried, House Bill No. 9 was taken from General File and referred to Committee on Judiciary.

On motion of Campbell, duly seconded and carried, H. B. No. 22 was taken from General File and referred to Committee on Banks and Banking.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 11, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House bills were this day introduced in the Senate, read first and second time, and referred to committees:

H. B. No. 5—Committee on Counties and Towns.

Sub. for H. B. No. 6—Committee on Taxation.

H. B. No. 19—Committee on Judiciary.

H. B. No. 26—Committee on Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, December 11, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That S. B. No. 6 be amended in Section 1 by adding in line 3 after the word "other" the word "construction."

And as so amended, recommend said S. B. No. 6 do pass.

That S. B. No. 7 be passed temporarily.

That S. B. No. 8 be amended in Section 1 by adding in line 11 after the word "territory" the following: "and reserving further to the said state and its inhabitants, citizens, and non-residents to fish or hunt by boat or otherwise, and the right of access, ingress and egress to and through said ceded territory to all persons owning or controlling live-stock for the purpose of watering the same."

And as so amended, recommend said S. B. No. 8 do pass.

That H. B. No. 3 be amended in Section 1 in line 2 after the word "school," by inserting the words and figures, "at a cost not to exceed Two Hundred Fifty Thousand Dollars (\$250,000)".

And as so amended recommend said House Bill No. 3 be concurred in.

That S. B. No. 7 be amended in Section 1 by striking out all the words in lines 15, 16 and 17 beginning with the word "provided," and inserting in lieu, in line 7 after the word "provided," the following words: "Upon application for registration or re-registration of motor vehicles upon which license has not been paid prior to January 1st, 1934."

That S. B. No. 7 be further amended in Section 1 by adding the following sentence after the word "vehicle" in line 15: "Provided that no application for registration or re-registration of any motor vehicle hereafter need be verified."

And as so amended, recommend said S. B. No. 7 do pass.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 11, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced in the Senate, read first and second time, and referred to committees:

S. J. R. No. 2, by Kalberg, Carey and Ruffcorn: A Joint Resolution requesting Honorable Harold L. Ickes, Public Works Administrator, to allot funds for the construction of a highway leading from the town

of Circle, in McCone county, Montana, to the Fort Peck Dam. Introduced without previous consent by unanimous consent of the Senate. Referred to Committee on Federal Relations.

S. J. R. No. 3, by Kelsey, Holton, Ruffcorn and Carey: A Resolution commending the Honorable Franklin D. Roosevelt for his leadership in the national emergency. Introduced without previous consent by unanimous consent of the Senate. Referred to Committee on Federal Relations.

Respectfully,
C. J. McALLISTER,
Secretary of the Senate.

December 11, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day gave notice that he was about to sign, and did sign:

S. B. No. 4 and S. B. No. 5.

Respectfully,
C. J. McALLISTER,
Secretary of the Senate.

It was moved by Besancon, duly seconded and carried, that the Senate messages be considered read at length and the Journal so show.

Helena, Montana, December 11, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Enrolled Bills: That S. B. Nos. 4 and 5; are correctly enrolled and duly verified. Report adopted.

Committee on Engrossed Bills: That S. B. No. 3, Sub. for S. B. No. 1, and S. J. R. No. 1 are returned correctly engrossed.

Report adopted.

Committee on Roads and Highways: That H. B. No. 1 be amended as follows: That all the words and figures in lines 16, 17 and 18 on the first page of the printed bill be stricken and the following words and figures inserted: "Motor vehicles weighing twenty-seven hundred and fifty (2750) pounds or under, other than motor trucks, Five (\$5.00) dollars, motor vehicles weighing over twenty-seven hundred and fifty (2750) pounds and under thirty-three hundred (3300) pounds, other than motor trucks, Seven dollars and Fifty cents (\$7.50); motor vehicles weighing over thirty-three hundred (3300) pounds, other than motor trucks, Ten (\$10.00) dollars."

By striking from line 19, printed bill, the words and figures "Five (\$5.00) dollars," and inserting: "Ten (\$10.00) dollars."

By striking in Section 1, lines 37 to 41 inclusive, page 2 printed bill, and inserting:

"All license or registration fees collected by the County Treasurer of the county in which any motor vehicle is registered shall be credited to the motor vehicle license fund of said county. The cost of making and mailing license plates and identification marks, certificates and other expenses of operating the motor vehicles department of the State of Montana shall be prorated by the Registrar of Motor Vehicles among the counties of the state in proportion to the number of cars registered in each county, and he shall bill each county therefor, by verified claim, and each county

shall thereupon pay the amount so charged out of said motor vehicle license fund; provided, however, that each county shall receive credit for its prorated share of any fees paid to the Registrar of Motor Vehicles, and provided further that the County Treasurer shall retain ten per cent of all license fees in said motor vehicle fund until he has been billed by the registrar as aforesaid. The remainder of the funds in said motor vehicle license fund shall be used as follows:"

Amend further by striking out in Section 1, page 2, line 49, all the words beginning with the word, "transmitted," and ending with the word, "vehicles," and inserting: "held in the city road fund."

By striking out in Section 1 all of Sub-Section (c) beginning with line 60, page 2, and ending with line 67, page 3, and inserting:

"(c) The net fees derived from the registration of motor vehicles in any county not having a city of the population of 35,000 or more, shall, at the end of each month, be transferred to the road fund of said county and shall be used by said county for the construction, repair and maintenance of all public highways within the boundaries of said county, except state highways, and such fees in any county having a city of a population of 35,000 or more, less so much thereof as may be apportioned to such city and held in the city road fund as aforesaid, shall, at the end of each month, be transferred to the road fund of each county and used by said county for the construction, repair and maintenance of all public highways within the boundaries of said county. In all counties, said funds may be used for the construction, repair and maintenance of city streets forming component parts of arterial highways within the corporate limits of said city."

By striking out the word "of" after the word "derived" in line 54 on page 2, and inserting in lieu thereof the word "from".

Amend further by inserting the word "to" after the word "apply" in line 85, page 3, printed bill.

By inserting the word "to", after the word "applicable" in line 87, page 3, printed bill.

And as so amended, recommend said H. B. No. 1 be concurred in, report adopted.

Committee on Mines and Mining: That H. J. R. No. 1 be amended in the title by striking out said title and inserting in lieu thereof:

"A Resolution to the President and Congress of the United States to support or initiate a movement to stabilize the monetary and credit basis, so as to improve world commodity prices."

Amend further by striking out all of Resolution starting with line 8 and inserting in lieu thereof:

"WHEREAS, the people of this state, this nation and the world in general are struggling to maintain themselves, retain their property and business and meet their private and public obligations under the heavy and increasing burdens of steadily falling commodity prices, with consequent unemployment and other forms of hardship and distress; and

"WHEREAS, the various efforts that have been made to restore prosperity and confidence, apparently based on the thesis that relief of special groups would relieve all other groups also, and that forced expansion of credit would raise commodity prices, have either failed or proved inadequate; and

"WHEREAS, it is our conviction that experience has demonstrated the inefficacy of the foregoing and other remedies and palliatives that have been proposed or applied to relieve the world-wide economic depression, therefore

"BE IT RESOLVED, by the legislature of the State of Montana, that we earnestly recommend a great use of silver as a monetary supplement to gold, thereby increasing the supply of metallic money for use as a circulating medium and as a basis for currency and credit, which by amplification of the supply of basic money will stabilize currency, credit and international exchange and increase and stabilize prices of commodities, with the many and great advantages that will result therefrom; and be it further

"RESOLVED, that we respectfully petition the President and Congress of the United States to arrange for the participation of the United States in any international conference called by another nation or other nations to consider an international agreement for such increased use of silver as money, or if no such conference be held in the immediate future, to sell or obtain an international conference for that purpose under the auspices of the Government of the United States, and if no such international conference can be obtained, to give serious consideration to individual action for increased use of silver as money by the United States; and be it further

"RESOLVED, that as Legislators of a state in which the production of silver is an important activity, we especially request that the question of such increased use of silver as money be considered and decided on its economic merits only and without reference to the effects of such action upon the silver mining industry as we sincerely believe the question is of such vital importance to all the world as to render the welfare of those engaged in the industry itself a comparatively inconsequential part of the great issues involved and that consideration of the question should not be complicated by the introduction of group or individual interest, either of silver producers or others; and be it further

"RESOLVED, that a copy of this Resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Senators and Representatives from the State of Montana."

And as so amended, recommend H. J. R. No. 1 be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

Mr. Speaker: I move to have Sergeant of Arms instructed to note on "Blackboard all Committees," the time of meetings of the several committees, and that the board be kept up to date.

STIEFEL.

Duly seconded and carried.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following bills and resolutions were introduced, read first and second times and referred to committees:

Senate Bill No. 3, introduced by Simmons, a bill for an Act entitled: "An Act providing that in certain actions no writ of attachment shall be issued and levied upon or against certain wages and earnings of the debtor or defendant for his personal services rendered within a certain time, and providing that such wages and earnings are exempt from attachment." Referred to Committee on Judiciary.

Senate Joint Resolution No. 1, introduced by Eaton, Simmons, Kelsey, Putnam, a Joint Resolution requesting the Honorable Harold L. Ickes, public works administrator to allot funds for the Broadus-Crow Agency highway and to direct the construction thereof. Referred to Committee on Federal Relations.

House Bill No. 37, introduced by Replogle, a bill for an Act entitled: "An Act relating to certain license fees to be paid by collecting agents and other persons, firms or corporations other than attorneys-at-law engaged in collection of bills, note or accounts; and fixing license fees thereof and prescribing a penalty for failure to pay said license fee or otherwise failing to comply with the provisions herein." Referred to Committee on Judiciary.

MOTIONS AND RESOLUTIONS

The following resolution was introduced and on motion of Watson of Meagher, duly seconded, was adopted.

RESOLUTION

WHEREAS, It is common knowledge that the people of this state are the victims of unfair and discriminating practices in determining the price of gasoline, and

WHEREAS, Numerous attempts have been made toward the correction of these abuses, all of which have been held unconstitutional, and

WHEREAS, This discrimination is costing our people millions of dollars each year, and it now appears that a practical solution has been found;

NOW, THEREFORE, BE IT RESOLVED, That we, the Twenty-third Legislative Assembly in Extraordinary Session assembled, do hereby request His Excellency, the Governor, to issue a special message requesting legislation for the correction of the aforesaid abuses;

BE IT FURTHER RESOLVED, That we deem this an extreme emergency commanding immediate consideration by this body.

WATSON of Meagher,
RALSTON of Glacier.

On motion of Watson resolution adopted.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under rules of the previous sitting.

Byrne in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 31, Senate Amendments to H. B. No. 3, Senate amendments to House Joint Resolution No. 2, beg leave to report as follows:

That House Bill No. 31 be temporarily passed.

That Senate amendments to H. B. No. 3 be concurred in.

That Senate amendments to House Joint Resolution No. 2 be not concurred in.

BYRNE, Chairman.

On motion of Byrne, report adopted.

It was moved by Besancon, duly seconded and carried that the House recess until 4:00 o'clock.

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bill No. 33, and House Joint Memorial No. 2.

SOMERVILLE, Chairman.

Without objection, report adopted.

December 12, 1933.

Mr. Speaker: We, your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 18, entitled:

A bill for an Act entitled: "An Act to authorize the erection of ■ building or buildings for the Mnotana State Tuberculosis Sanitarium and, for such purpose, to permit the conveying of lands owned by the State of Montana to the United States, and to enter into all necessary or appropriate contracts and arrangements with the United States under the National Industrial Recovery Act or other legislation of the United States in connection therewith."

Respectfully report as follows: That House Bill No. 18 do not pass. But after having had under consideration Substitute House Bill No. 18, entitled: A bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the Montana State Tuberculosis Sanitarium; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Examiners to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency." We recommend that it do pass.

MULHOLLAND, Chairman.

On motion of Mulholland, report adopted.

December 12, 1933.

Mr. Speaker: We, your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 17, entitled:

A bill for an Act entitled: "An Act to authorize the erection and equipment of three buildings for the Montana State Hospital for the Insane at Warm Springs, Montana, and, for such purpose, to permit the conveying of lands owned by the State of Montana to the United States, and to enter into all necessary or appropriate contracts and arrangements with the United States under the National Industrial Recovery Act or other legislation of the United States in connection therewith."

Respectfully report as follows: That House Bill No. 17 do not pass, but that Substitute House Bill No. 17 introduced by Committee on State Institutions, Public Buildings and Grounds, entitled:

A bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the State Insane Asylum at Warm Springs, Montana; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes to empower the State Board of Examiners to enter into all contracts and agreements necessary or incidental to the execution of its power under this Act; to provide remedies of bondholders and declaring an emergency." Do pass.

MULHOLLAND, Chairman.

On motion of Mulholland, report adopted.

December 12, 1933.

Mr. Speaker: We, your Committee on Affairs of Cities having had under consideration House Bill No. 29, entitled: "An Act empowering cities and towns to prepare and improve streets, avenues and alleys within sprinkling districts so that the sprinkling thereof with water, oil, salt or any other dust pallative, will be of a durable and continuing benefit and authorizing cities and towns to enter into agreements with the United States of America for loans of money and for financial aid in the accomplishment thereof and apportioning the cost thereof over a period of years."

Respectfully report as follows: That House Bill No. 29 be amended as follows:

Amendment 1. After the words "yearly payments," line 13 of the original bill add the following: "from funds derived from such sprinkling districts created under Section 1 of this Act."

Amendment 2. Add new Section 5 to read as follows: At least fifteen days must elapse between the day on which said proposed ordinance is introduced and the day on which final action thereon is taken. The city or town clerk must give notice of the introduction of such proposed ordinance and of the time it will be up for passage, by publication three times in a daily newspaper, or a newspaper printed and published every day except Sunday, in such city or town, or, if there be no such newspaper, then by posting for at least ten days in three public places in each of the wards of said city or town. If forty per cent or more of the abutting property owners protest in writing to said city or town council against the passage of said proposed ordinance, then no further action shall be taken thereon and the same shall lapse.

Amendment 3. Renumbering Section 5 to read Section 6.

And as amended do pass.

GRABOW, Chairman.

On motion of Grabow, report adopted.

December 12, 1933.

Mr. Speaker: We, your Committee on Livestock and Public Ranges, having had under consideration House Joint Memorial Bill No. 1, entitled:

"A Memorial to the Congress of the United States of America requesting immediate relief to the stockmen of Montana."

Respectfully report as follows: That House Joint Memorial No. 1 do not pass; but that Substitute House Joint Memorial Number 1, entitled:

"A Memorial to the Congress of the United States of America requesting the purchase of Montana cattle for distribution to workers on Federal projects and for the relief of the destitute in the State of Montana."

Do pass, and that it be considered correctly printed and placed on General Orders.

ARNOLD, Chairman.

On motion of Arnold, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

December 12, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day report as follows:

Committee on Engrossed Bills: That Senate Bills Nos. 6, 7, and 8 have been correctly engrossed, report adopted.

Committee on Rules: That the resolution of December 11, by Husband, Corwin and Simmons, be not adopted, but that for the duration of this Extraordinary Session only, Section 2 of Rule 40 be amended to read as follows: "Section 2, Rule 40. No bills other than substitute bills for bills then pending shall be introduced after the Eighteenth Legislative Day, except upon a two-thirds majority vote of the Senate."

Report adopted.

Committee on Rules: That by and with the approval of the House of Representatives, Joint Rule No. 23 be amended to read as follows for the duration of this Extraordinary Session only:

"Joint Rule No. 23. Transmission of Bills. No bills transmitted by the House to the Senate, nor by the Senate to the House, after the twenty-second day of this Extraordinary Session, shall be considered, with the exception of bills considered by a joint conference committee. Bills from said committee may be transmitted at any time up to and including the last day."

Report adopted.

Committee on Federal Relations: That S. J. R. No. 2 do pass, report adopted.

Committee on Federal Relations: That S. J. R. No. 3 be reported out without recommendation, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 12, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day introduced without previous notice by unanimous consent of the Senate, read first and second time, and referred to committee:

S. B. No. 11, by Walker: A bill for an Act entitled: "An Act to amend Section 1 of Chapter 40, Session Laws of 1933, Montana, relating to expenses of officers and employees of the State of Montana." Referred to Committee on Finance and Claims.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 12, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced in the Senate, read first and second time, and referred to committee:

H. B. No. 16—Committee on Labor and Capital.

H. B. No. 24—Committee on Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 12, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following notice of introduction was this day received:

By Clifford: A bill for an Act entitled: "An Act providing for certain exemptions by judgment debtors from the levies of executions or attachments."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

The following motion was made by Besancon, duly seconded and carried:

Mr. Speaker: I move that the House decline to transmit to, or receive from the Senate for consideration any resolution, memorial or bill after Tuesday, December 19th, 1933, except those resolutions, memorials or bills which may have been referred to a joint conference committee on or before such date.

BESANCON.

REPORTS OF STANDING COMMITTEES

December 12, 1933.

Mr. Speaker: We, your Committee on Highways having had under consideration House Bill No. 34 entitled:

A bill for an Act entitled: "An Act regulating the hours of labor of drivers and attendants of motor busses, and motor trucks in the State of Montana; defining the term 'attendant' and fixing penalties for the violation of the provisions of this Act."

Respectfully report as follows: That House Bill No. 34 be amended as follows:

That the entire first paragraph be stricken and the following paragraph be substituted:

Section 1. Drivers or attendants of motor busses and motor trucks engaged or employed on the highways of the State of Montana, except those engaged in agriculture or livestock, in the State of Montana, shall not be employed for more than eight (8) hours in the twenty-four (24) hour period, and drivers or attendants of motor busses and motor trucks shall be allowed a rest of at least eight (8) hours between the completion of their services in the twenty-four (24) hour period.

Providing further that such driver or attendant shall not be employed for more than twelve (12) hours in the twenty-four (24) hour period, when the nature of the service requires that the vehicle shall not be driven more than eight (8) hours within such twelve (12) hour period.

Providing further that "Forty-eight (48) hours shall constitute a weeks work for motor bus or motor truck employees."

That House Bill No. 34 be further amended by striking out in Section 2, all of the first sentence starting with the word "attendants" and ending with the word "employed."

And as amended do pass.

BREITENSTEIN, Chairman.

On motion of Breitenstein, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that consideration of General Orders be passed for the day.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 A. M., Wednesday, December 13th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

SEVENTEENTH DAY

House of Representatives,
Helena, Montana, December 13, 1933.

House convened, pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present, except the following: Blankenbaker, Givens, Stevens (Wheatland), excused.

NOTICES

Authors gave notice that they would on tomorrow, or some subsequent day introduce the following bills:

By Committee on Revenue and Taxation: A bill for an Act entitled: "An Act directing the creation of unemployment relief fund; defining the purpose thereof; defining the authority of the Boards of County Commissioners relative thereto; creating the Montana Unemployment Relief Commission; defining its powers and duties; fixing wages and hours of labor."

REPORTS OF STANDING COMMITTEES

December 12, 1933.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 14 entitled:

A bill for an Act entitled: "An Act to amend Section 571 of the Revised Codes of the State of Montana of 1921 relating to compensating of county clerks and furnishing poll books."

Respectfully report as follows: That House Bill No. 14 do not pass, but that Substitute House Bill No. 14 relating to:

A bill for an Act entitled: "An Act to amend Section 571 of the Revised Codes of the State of Montana of 1921 relating to compensation of County Clerks for furnishing poll books."

Do pass.

BYRNE, Chairman.

On motion of Haight, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by McDermott, duly seconded and carried, that House Bill No. 34 be taken from Committee on Printing and re-referred to Committee on Labor.

INTRODUCTION OF BILLS AND MEMORIALS, AND
SECOND READING OF THE SAME

The following bill was introduced, read first and second time and referred to Committee on Judiciary.

House Bill No. 38, introduced by Stevens of Wheatland and Miller of Big Horn, A bill for an Act entitled: "An Act reducing the penalty on delinquent taxes from and after March 1st, 1934, and repealing all Acts and parts of Acts in conflict herewith."

The following bill was introduced without notice and considered read first time and second time at length by unanimous consent of the House and referred to Committee on Irrigation and Water Rights.

House Bill No. 39, introduced by Committee on Irrigation and Water Rights, a bill for an Act entitled: "An Act providing for the creation of the State Water Conservation Board; prescribing its powers and duties; providing for the construction, operation and maintenance of a system of works for the conservation, development, storage distribution and utilization of water, and for the acquisition of property necessary therefor; authorizing the issuance of water conservation revenue bonds of the state payable solely from the revenues of such works and the funds received from the sale or disposal of water and from the operation, lease, sale or other disposition of the works, property and facilities to be acquired out of the proceeds of such bonds; declaring that no debt of the state shall be incurred in the exercise of any of the powers granted by this Act; providing for condemnation; making an appropriation; repealing Chapter 155 of the Session Laws of 1931; and declaring an emergency."

REPORTS OF STANDING COMMITTEES

December 8, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled:

House Bill No. 8.

LARSEN, Chairman.

Without objection, report adopted.

The Speaker announced he was about to sign House Bill No. 8, whereupon the clerk read the title of the same and the Speaker did sign in the presence of the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the pervious sitting.

Moss in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 31, House Joint Memorial No. 2, House Bill No. 32, House Bill No. 33, and Substitute House Joint Memorial No. 1, beg leave to report as follows:

That House Bill No. 31 do pass.

That House Joint Memorial No. 2 do pass.

That House Bill No. 32 be re-referred to Committee on Appropriations.

That the enacting clause be stricken on House Bill No. 33.

That Substitute House Joint Memorial No. 1 do pass.

MOSS, Chairman.

It was moved by Moss, duly seconded, that the report of the Committee of the Whole be adopted.

On substitute motion of Pilgeram, it was moved that House Bill No. 33 be segregated from the Committee of the Whole report and on roll call, which was demanded by the required number, was defeated by the following vote:

Ayes: Arnold, Besancon, Bjerneby, Breitenstein, Campbell, Green, (Dawson), Hagerty, Jensen, Knowles, Lott, Marshall, Metlen, Moss, Parker (Flathead), Pierson, Pilgeram, Porter, Ralston, Rearden (Cascade), Rog-nien, Roll, Schuster, Snidow, Sparling, Stiefel, Watson (Meagher), Watson (Missoula), Larsen, Wigal. Total 29.

Noes: Abrahamson, Acher, Anderson, Annin, Balgord, Ballard, Beadle, Byrne, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ferry, Findlater, Fowler, Freed, Groene (Fergus), Haight, Harrington, Hilger, Holecek, Kruse, Kuhl, Lewis, Logan, Love, McCarvel, McDermott, McElwain, Manning, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Broadwater), Quamme, Ragen, Reardon (Deer Lodge), Replogle, Rolph. Somerville, Spangler, Stephens (McCone), Sullivan, Trenne, Ueland, Whaley, White, Woodcock, Mr. Speaker. Total 58.

Absent and not voting: Blankenbaker, Ecton, Fitzstephens, Freudenstein, Givens, Goodwin, Grabow, Harlen, Setzer, Shannon, Stevens (Wheatland), Strange. Total 12.

The following passed their vote: Mulholland, Waite. Total 2.

Mr. Speaker: Twenty-nine have voted "aye"; fifty-eight have voted "no"; and substitute motion by Pilgeram is lost.

Whereupon, on previous motion by Moss, report was adopted.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following bill was introduced, read first and second time and referred to Committee on Judiciary:

House Bill No. 40, introduced by Moss, a bill for an Act entitled: "An Act to amend Section 97 of Chapter 105, (commonly called the Liquor Control Act), of the Twenty-third Legislative Assembly in regular Session assembled, relating to the allocation and distribution of net profits, derived from the administration of the law, to the state and counties."

NOTICES

Authors gave notice that they would on tomorrow, or some subsequent day, introduce the following bills:

By Byrne: A bill for an Act entitled: "An Act to amend Section 4918 of the Revised Codes of Montana, 1921, relating to fees of the clerk of the district court directing the disposition of certain of said fees and repealing all Acts and parts of Acts in conflict therewith."

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Agriculture having had under consideration House Joint Memorial No. 4, entitled: A Memorial to the President of the United States and Congress of the United States relating to the condition of agriculture within the United States.

Respectfully report as follows: That H. J. M. No. 4 do pass.
Committee on Agriculture.

SNIDOW, Chairman.

On motion of Snidow, report adopted.

December 13, 1933.

Mr. Speaker: We, your Committee on Irrigation and Water Rights having had under consideration House Bill No. 39, entitled:

"An Act providing for the creation of the State Water Conservation Board; prescribing its powers and duties; providing for the construction, operation and maintenance of a system of works for the conservation, development, storage, distribution and utilization of water, and for the acquisition of property necessary therefor; authorizing the issuance of water conservation revenue bonds of the state payable solely from the revenues of such works and the funds received from the sale or disposal of water and from the operation, lease, sale or other disposition of the works, property and facilities to be acquired out of the proceeds of such bonds; declaring that no debt of the state shall be incurred in the exercise of any of the powers granted by this Act; providing for condemnation, making an appropriation; repealing Chapter 155 of the Session Laws of 1931, and declaring an emergency."

Respectfully report as follows: That House Bill No. 39 do pass.

NUTTING, Chairman.

On motion of Nutting, report adopted.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:30 o'clock P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

NOTICES

Authors gave notice that they would on tomorrow, or some subsequent day, introduce the following bills:

By Shannon, Woodcock, Groene, Findlater, Miller, Pilgeram, Rearden, Conner, Metlen, Byrne, Nass, Strange, Somerville, Larsen, Moss, Arnold, O'Shea, Parker, Doe, Snidow, McCarvel, Jensen, Watson (Meagher), Camp-

bell, Trenne, Roll, McElwain, Abrahamson, Breitenstein, Hagerty, Waite, Setzer, Annin, Reardon, Ralston, Freudenstein, Knowles, Sullivan, Replogle, Cusker, Quamme, Ferry, McDermott, Ragen, Balgord, Wigal, Lott, Miles, Grabow, Logan: A bill for an Act entitled:: "An Act to provide for the sale of spirituous and vinous liquors at wholesale by the State of Montana; creating the Montana Liquor Control Board, and providing for the operation thereof; providing a stamp tax and the issuance of licenses for the retail sale of such liquors in the State of Montana, and providing for the distribution of moneys collected hereunder for emergency relief and other purposes."

REPORTS OF SELECT COMMITTEES

December 13, 1933.

Mr. Speaker: We, your Committee on Ways and Means, directed by Special Resolution of December 6, to inquire into the report in regard to:

1. Needs for emergency relief.
2. Needs for general fund.
3. The condition of the University millage fund, and to make recommendations of revenue measures to supply the needs, beg leave to report as follows:

Needs for relief	\$1,500,000.00
Required to balance general fund as of July 1, 1934	1,412,000.00
	<hr/>
	\$2,912,000.00

The above figures are based on the appropriations made at the last Legislative Session and the estimated income revenue laws now in effect.

PROBABLE INCOME FROM PROPOSED REVENUE MEASURES

Sales Tax at $\frac{1}{4}$ of 1% on gross sales	\$ 500,000.00
Hard Liquor Profits—net after deducting proposed appropriation and expenses	575,000.00
Beer Bill—increased under proposed measure	100,000.00
Income Tax—at proposed new rates doubling old rates	200,000.00
Inheritance Tax—estimated increase doubling old rates	100,000.00
Gambling Bill	375,000.00
Chain store tax—increase at rates proposed in Nass bill	175,000.00
Telephone Tax Bill	50,000.00
Natural Gas Tax—increase based on 1c per 1000 cubic feet as proposed in Replogle bill	112,000.00
Gasoline Tax—at 1c per gallon	600,000.00
Increased Corporation License Tax rates doubled	65,000.00
Hydro Electric Tax— $\frac{1}{2}$ of 1% gross sales, as fixed by Replogle bill	40,000.00
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	\$2,892,000.00

See accompanying pages for explanation.

RELIEF

It is impossible to determine the exact amount required for relief—much depends upon the action of the Federal Government—the extent of the Public Works Program authorized—the extent of Force Account Labor utilized by the Highway Commission—quantity of funds appropriated by legal subdivisions other than counties for emergency work, which may be used in matching Federal Funds. Also, the question of local conditions in the state, crops, market prices, etc.

The State Relief Administrator estimates a total required of \$3,165,666. He estimates that the money appropriated by counties under the 6-mill levy, which may be used to match Federal Funds at \$875,000.

If these figures are correct, the state would need to provide, in addition to the \$875,000., \$1,500,000. to make a total of \$2,375,000., which in turn would be matched by \$790,666. of Federal money producing a total of \$3,165,666. as shown above. This total is \$1,500,000. less than the amount required last year.

GENERAL FUND

The figures shown for the General Fund are made up from calculations of the State Accountant. Such factors, as the Inheritance Tax, Corporation Licenses Tax, Income from hard liquor and Income Tax are variable quantities, which cannot be definitely determined until after they have been collected. The figures set forth are as good a guess as your committee could make after taking all of the factors into consideration.

RECOMMENDATIONS

We recommend that, the Governors Sale Tax be given precedence and that it be advanced to first on the list.

We recommend that, the House select from the various other revenue measures proposed, those which in its discretion, it believes will best meet with exigencies of the situation and fall lightest upon the general consumers of the state.

Separate report of the University millage fund is hereby attached. The significant feature of which is that the various units have reduced their expenditures and are now rapidly reducing their deficits.

Respectfully submitted,

COMMITTEE ON WAYS AND MEANS.

By ABRAHAMSON, Chairman.

UNIVERSITY MILLAGE FUND

Mr. Speaker: We, your Committee on Ways and Means beg leave to make the following report concerning our investigations of the University Millage Fund:

During the first biennium this fund was in operation, it accumulated an overdraft, June 30, 1933 of	\$ 522,583.00
The anticipated income, figuring a delinquency of 16 2-3% and a 3-mill levy for the first year of this biennium, ending June 30, 1934	847,500.00
Appropriations for this year	700,000.00
Surplus to apply on overdraft per year	147,500.00
Surplus to apply on overdraft two years	295,000.00
Deducting the surplus from the overdraft, still leaves a balance June 30, 1935 of	226,583.00
To show the decrease in expenditures, the monthly expenditures from July 1, 1932 to June 30, 1933 was	89,552.00
The monthly expenditures from July 1, 1933 to October 31, 1933 (four months)	62,068.00
Reduction in expenditures per month	27,484.00

It seems that the present overdraft the University Millage Fund is \$522,583.00 as to June 30, 1933. This accrued because the University of Montana spent the full appropriation as made by the Twenty-second Legislative Assembly and paid no attention to the actual receipts.

We, therefore, recommend that the University of Montana, in the future, keep within actual receipts. We believe, if this is done the University of Montana will be on a cash basis, in the near future.

This report is respectfully submitted for your approval.

COMMITTEE ON WAYS AND MEANS.

By ABRAHAMSON, Chairman.

On motion of Besancon, report adopted.

REPORT OF SPECIAL JOINT COMMITTEE ON RELIEF

We, your Special Joint Committee on relief appointed to investigate matters pertaining to relief administration in the state as requested in Senate Resolution adopted December 1st, 1933, beg leave to report as follows:

1st. The amount of moneys expended for relief since Federal Emergency Relief was instituted.

2nd. Cost of state and Federal administration of relief and how money has been expended.

3rd. The number of persons on relief in each county, and the number of unemployed on the lists in each county during the period which has elapsed.

4th. The estimated amount of money necessary to meet relief in each county from December 1, 1933 to December 31, 1934.

5th. Amount of Federal, state and county money available by counties for relief during 1934.

The information contained in the attached exhibit was furnished by relief administrator, T. C. Spaulding and members of his staff.

CIVIL WORKS

Mr. Spaulding informed us that 13,500 men had been taken from relief rolls and placed in gainful occupation by the Civil Works Program. This work will terminate February 15th since on that date the present appropriation of \$400,000,000 allocated for this work in the United States will have been expended.

PUBLIC WORKS

Mr. D. A. McKinnon, Engineer of Public Works, informed the committee that \$8,737,843.76 in projects had been approved by his office and that of this amount \$3,400,000.00 has been allocated to projects that will give employment to 3,000, for a period of ten months. This, however, does not include the Fort Peck dam and the \$5,000,000.00 for irrigation referred to by the Governor in his call.

The Fort Peck Project will give employment to 6,500 men.

RELIEF NEEDS

Your committee is advised by the Director of Relief that it is now absolutely necessary for the State of Montana to appropriate money for relief in order to receive grants from the Federal Government on a matched basis.

The Federal Act provides that:

"Each state shall be entitled to receive grants equal to one-third of the amount expended by such state, including the civil sub-division thereof, out of public moneys from all sources."

The amount needed as estimated by the Governor and relief director for the calendar year of 1934 is from state funds \$1,500,000.00 and from the County Poor Funds \$875,000.00.

Your committee however believes that with a 5.54 (average) mill levy for county poor in 1933 and 1934 as against 3.37 (average) mills in 1932 and 1933 this amount may reach \$1,200,000.00 and by this difference would reduce the necessity for state expenditures. Funds are however matchable by county expenditures (1) where county road and bridge funds are used to provide employment for men on relief rolls; (2) county general fund expenditures where used to provide employment for persons on relief rolls; (3) other county funds—fair, gopher, insect pest, weed, etc., when used to employ men on relief rolls on work that ordinarily would not be done; (4) city and town funds can in part become eligible where work done is for relief employment and under ordinary circumstances would not be done.

HIGHWAYS FUND

Your committee endeavored to obtain an estimate of the amount of work anticipated by the Highway Commission for 1934.

We find that the Federal Government allocated to Montana \$7,440,000.00 for roads, 50% of which is to be used for further construction of 7% system outside of municipalities, 25% for construction of 7% system within municipalities, and 25% for the construction of secondary or feeder highways.

This money is in addition to our state gasoline tax, money to be derived from the sale of debentures and so forth will aggregate \$10,000,000.00 of which approximately \$4,500,000.00 is under contract. It is anticipated that the entire amount will be under contract by April 1st, 1934.

Your committee believes that the Highway Commission should have proceeded more speedily than it has and that it should have caused the work on secondary and feeder roads to proceed under a force account system, as authorized by the Federal Government on September 29th, 1933. We believe that it is not a question of doing this work as economically as it could be done with larger and more modern machinery, but it is a question of effectively employing men and teams now unemployed and in distress. We recommend that the Governor direct the Highway Commission to proceed with construction by force account of secondary and feeder roads immediately and to utilize all funds now set aside for this purpose.

Your committee heard complaints in regard to the administration of relief in the counties of Cascade, Yellowstone and Silver Bow. The evidence submitted in connection with complaints from Cascade county was not of such a character as to enable your committee to form any conclusion in regard to the merit of the complaint and the committee is unable to make any finding thereon.

The complaints made by the Yellowstone Labor Union against the administration of relief in Yellowstone county were of such a character that they could not be fully investigated by your committee within the time allowed for making its report. Your committee, therefore, makes no findings of facts in regard to these complaints but recommends that the Governor appoint a special committee to make a full and adequate investigation of these complaints.

Information submitted to your committee showed without dispute that in the administration of relief in Silver Bow County certain applicants, who were otherwise entitled to relief, were denied relief by the local board upon the ground that the applicants were members of the Communist

Party. A member of the Silver Bow County Board, declared before your committee that it was the policy of the board to deny relief to applicants who were found to be members of the Communist Party. Your committee is informed that the Communistic Party is a duly organized political party whose candidates have appeared upon state and national tickets in recent elections and your committee is of the opinion that no relief board has any lawful right to refuse relief to any applicant upon the ground of membership in that party. The conduct of Silver Bow County Relief Board should, therefore, be censured and disapproved and the committee recommends that the Governor take such action as may be necessary to prevent continuation of the practice of refusing applicants relief on account of their political affiliations.

Respectfully submitted,

McCARVEL, Chairman.
FOWLER,
HAGERTY,
SPARLING,
SHANNON.

House Committee.

KEMMIS, Chairman.
ROWLAND,
SPARLING,
DONOVAN,
COOPER.

Senate Committee.

On motion of McCarvel, report adopted.

MOTIONS AND RESOLUTIONS

December 13, 1933.

Mr. Speaker: I move that the thanks of the House be extended to the House members of the joint committee on relief for their painstaking labors and their very comprehensive, valuable report submitted by them.

BESANCON.

Seconded and carried.

REPORTS OF STANDING COMMITTEES

December 12, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

Sub. H. B. No. 5.

ROLPH, Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the sixteenth legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

Helena, Montana, December 13, 1933.

Mr. Speaker: We, your Committee on Printing, to whom was referred House Bills Nos. 29, Sub. H. J. M. No. 1, beg leave to report the same have this date been returned from the printer correctly printed.

SOMERVILLE, Chairman.

Without objection, report adopted.

December 13, 1933.

Mr. Speaker: We, your Committee on Rules having had under consideration motion by Besancon relative to amendment to Joint Rules No. 23.

Respectfully report as follows: That by and with the approval of the Senate Joint Rule No. 23, for the duration of this Extraordinary Session only, be amended to read as follows:

“Joint Rule No. 23. Transmission of Bills. No bills transmitted by the House to the Senate, or by the Senate to the House after 11:59 p. m., of the 23rd day of this Extraordinary Session, shall be considered, with the exception of bills considered by a Joint Conference Committee. Bills from Conference Committees may be transmitted at any time up to and including the last day of this Extraordinary Session.

“Joint Rule No. 19, however, shall be in full force and applicable as to Rule No. 24.”

And that as so amended we recommend that such Rule No. 23, for this Extraordinary Session only, be adopted by the House and the same do pass.

BESANCON, Chairman.

On motion of Besancon, report adopted.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND THE SENATE

December 13, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

It has been demonstrated that a change in the existing law fixing a license fee for the sale of cigarettes is desirable. The present law is contained in Section 2435 of the Revised Codes, which Section also imposes a license fee for the sale of oleomargarine, butterine, etc., and license fee for warehouses maintained by railways.

I am advised that that portion of the law which relates to a license for the selling of oleomargarine, etc., has been impliedly repealed by subsequent legislation and is not at present in force as a law on that subject.

It is urged that the license fee for cigarette selling should be reduced to \$2.50 per annum, and in the preparation of a proposed bill dealing with the subject it has been found necessary to enact a new statute in relation to cigarettes and to amend Section 2435 by removing therefrom the first and second paragraphs which concern oleomargarine, etc., and cigarettes, and to leave only that portion of the statute which relates to license or warehouses operated by railways.

This question is submitted for your consideration with the recommendation that the suggested changes in the present law be made.

INHERITANCE TAX APPRAISERS

Under the terms of our present inheritance tax law the duty of appointing special appraisers in inheritance tax cases devolves upon judges of the district court, this being the provision of Section 13 of Chapter 65, Laws of 1933, as amended. Inasmuch as inheritance taxes are payable to the state and not to the counties, it seems to me that the function of appointing appraisers should be one for the state rather than for the county.

I therefore recommend that this Extraordinary Session enact such legislation as will provide that the Governor shall, upon the application of any interested party, including the State Board of Equalization, appoint a competent person as special appraiser in an inheritance tax matter.

F. H. COONEY, Governor.

December 13, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

At the Regular Session of this Assembly an appropriation in the sum of Two Thousand Dollars (\$2,000) annually was made for salaries and expenses of the State Horticultural Inspectors, in addition to fees derived from the enforcement of the wholesale dealers' license law. This appropriation is now exhausted and the fees are inadequate for the continuance of the service.

Since last May stations have been maintained at seven ports of entry, with two inspectors at each station, thus furnishing the necessary day and night service. In addition to their departmental duties these inspectors have rendered valuable services for other departments of the state, without charge, with one exception. They have collected the tax on excess gasoline carried by incoming trucks and have compelled all such trucks to secure Montana licenses, and have thus brought into the state thousands of dollars that would not otherwise have been collected. They have assisted counties by acting as deputy sheriffs under proper appointment and have represented the State Board of Health in helping to bar diseased fruits unfit for consumption. They have weighed all loads for the State Highway Commission and have acted as deputy livestock inspectors.

Figures of the Horticultural Division show that in four months of 1932 out-of-state trucks brought into Montana fruits and vegetables aggregating 453 carload lots. In the corresponding four months of 1933 such trucks brought in 333 carloads less, the decrease being due entirely to the activities of the Horticulture Inspectors.

With such a showing of accomplishment for the good of the state it seems unnecessary to argue that the continuance of the service is necessary. To discontinue it would result in heavy financial loss to the state. The public good and welfare demand that the stations at ports of entry be maintained. To do this a modest additional appropriation is necessary.

I therefore submit the matter to this Extraordinary Session with the recommendation that you appropriate the sum of \$3,500.00 for the period ending June 30, 1934, and \$3,500.00 for the year from July 1, 1934, to June 30, 1935.

F. H. COONEY, Governor.

MOTIONS AND RESOLUTIONS

It was moved by Rognlien, duly seconded and carried, that the resolution on House Bill No. 121, constitutional amendment, be considered read at length.

It was moved by Moss, duly seconded and carried that the resolution on House Bill No. 121, be referred to Committee on Judiciary.

It was moved by Besancon, duly seconded and carried, that the resolution on Senate Bill No. 30, Constitutional Amendment, be considered read at length.

It was moved by Rognlien, duly seconded and carried that the resolution on Senate Bill No. 30, also be referred to Committee on Judiciary.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following bill was introduced, read first and second time and referred to Committee on Revenue and Taxation:

House Bill No. 41, introduced by Nass and O'Connell: A bill for an Act entitled: "An Act to amend Sections 5, 7, 8 and 10 of Chapter 155, laws of the Twenty-third Legislative Assembly, relating to license fees for opening, establishing, operating or maintaining one or more stores."

The following bill was introduced without notice and considered read first and second time by unanimous consent of the House and was referred to Committee on State Institutions, Public Buildings and Grounds:

House Bill No. 42, introduced by Knowles, a bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the Montana School for Deaf and Blind, at Boulder, Montana; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Education to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency."

THIRD READING OF HOUSE BILLS

By unanimous consent, bills on Third Reading were read by history, title and section number only, except when otherwise requested.

House Substitute for House Bill No. 5, introduced by Revenue and Taxation Committee, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 90.

Noes: Arnold, Haight. Total 2.

Absent and not voting: Blankenbaker, Doe, Freudenstein, Givens, Kruse, Metlen, Porter, Shannon, Stevens (Wheatland). Total 9.

Mr. Speaker: Ninety have voted "aye", two have voted "no"; House Substitute for House Bill No. 5 has passed the House.

Substitute House Joint Memorial No. 1, introduced by Woodcock and Cusker, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 87.

Noes: None.

Absent and not voting: Blankenbaker, Conner, Doe, Freed, Freudenstein, Givens, Manning, Metlen, Porter, Ralston, Rolph, Setzer, Stevens (Wheatland), Watson (Meagher). Total 14.

Mr. Speaker: Eighty-seven have voted "aye", none have voted "no"; Substitute House Joint Memorial No. 1, has passed the House.

MOTIONS AND RESOLUTIONS

It was moved by Mason, duly seconded and carried, that the Committee on Entertainment be given the use of the House Chamber, Saturday evening, December 16.

It was moved by Besancon, duly seconded and carried that the House recess until 4:30 o'clock.

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bill No. 8, do hereby report that said bill together with a copy thereof, signed by the speaker of the House and President of the Senate, was this day, at the hour of 2:55 o'clock P. M., delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

December 13, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills be considered as correctly engrossed:

Sub. H. J. M. No. 1.

ROLPH, Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. B. No. 31.

ROLPH, Chairman.

Without objection, report adopted.

December 13, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 35, entitled:

"An Act to amend Section 9429 of the Revised Codes of Montana, 1921, as amended by Chapter 3 of the Session Laws of the Twenty-third Legislative Assembly, relating to exemption of earnings of judgment debtors."

Respectfully report as follows: That House Bill No. 35 be amended as follows:

That Section 1 be amended to read as follows:

Section 1. That Section 9429 of the Revised Codes of Montana, 1921, as amended by Chapter 3 of the Session Laws of the Twenty-third Legislative Assembly be and the same is hereby amended to read as follows:

Section 9429. The earnings of the judgment debtor for his personal services rendered at any time within forty-five days next preceding the levy of execution or attachment are exempt; but upon a proper showing, supported by affidavits, by the judgment creditor, before the judge or justice of the court in which the action was filed, that the debt or obligation sued upon was incurred by the judgment debtor or his wife or family for the common necessities of life, then one-half of such earnings, above mentioned, over and above the sum of \$15.00 per week if the debtor is a married person, and over and above the sum of \$10.00 per week, if the debtor is a single person, is nevertheless subject to execution garnishment and attachment to satisfy the debt or obligation so incurred.

That Section 2 be amended as follows:

By striking out lines 1, 2 and all that part of line 3 to the words "all Acts and".

And as amended do pass.

GROENE, Chairman.

On motion of Replogle, report adopted.

December 13, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration Senate Bill No. 3, entitled:

"An Act providing that in certain actions no writ of attachment shall be issued and levied upon or against certain wages and earnings of the debtor or defendant for his personal services rendered within a certain time, and providing that such wages and earnings are exempt from attachment."

Respectfully report as follows:

That Senate Bill No. 3 be concurred in.

GROENE, Chairman.

On motion of Replogle, report adopted.

December 13, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 10, entitled: "An Act to amend Section 7675 of the Revised Codes of Montana, 1921, relating to the lien and right of possession of hotel, boarding house and lodging house keepers, and exempting from such lien and right of possession certain property."

Respectfully report as follows: That House Bill No. 10 be amended as follows:

Strike out all of lines 22, 23, 24 and 25 in Section 1 and insert in lieu thereof the words "the tools and instruments of any mechanic or artisan necessary to carry on his trade, for." And as amended do pass.

GROENE, Chairman.

On motion of Replogle, report adopted.

December 13, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 40, entitled:

"An Act to amend Section 97, of Chapter 105, (commonly called the Liquor Control Act), of the Twenty-third Legislative Assembly in regular session assembled, relating to the allocation and distribution of net profits, derived from the administration of the law, to the state and counties."

Respectfully report as follows: That House Bill No. 40 be amended as follows:

Amend Section 1 by adding at the end thereof the following: "Provided, however, that from and after January 1, 1935, all moneys received by the state and counties hereunder shall be used for the purpose of reducing or eliminating general property taxes."

And as amended do pass.

GROENE, Chairman.

On motion of Replogle, report adopted.

December 13, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 38 entitled:

"An Act reducing the penalty on delinquent taxes from and after March 1st, 1934, and repealing all Acts and parts of Acts in conflict herewith."

Respectfully report as follows: That House Bill No. 38 be amended as follows:

By striking out the words "on real estate in the State of Montana in lines 10 and 11 of Section 1.

And as amended do pass.

GROENE, Chairman.

For the majority of the committee.

On motion of Replogle, report adopted.

December 13, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 41:

A bill for an Act entitled: "An Act to amend Sections 5, 7, 8 and 10 of Chapter 155, laws of the Twenty-third Legislative Assembly, relating to license fees for opening, establishing, operating or maintaining one or more stores."

Respectfully recommend as follows: That House Bill No. 41 do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

December 13, 1933.

Mr. Speaker: We, your Committee on Townships and Counties having had under consideration Senate Sub. for Senate Bill No. 1, entitled:

"An Act relating to and authorizing any county, city, town or school district having an outstanding valid indebtedness in an amount in excess of fifty per centum (50%) of the total indebtedness which it may lawfully incur under the provisions of the constitution of this state limiting the amount of indebtedness which may be incurred by counties, cities, towns and school districts, to refund its outstanding bonded indebtedness and providing the method and procedure therefor."

Respectfully report as follows: That Senate Sub. for Senate Bill No. 1, be amended as follows:

Amend Substitute for Senate Bill No. 1 by changing the period after the word "hereunder" in line 31, to a comma, and adding after the word "hereunder," the following: Provided no bonds held by the state or any board thereof shall be surrendered under this Act for less than the face value thereof in cash with accrued interest.

And as amended the bill be concurred in.

BYRNE, Chairman.

On motion of Byrne, report adopted.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following bills were introduced without notice and considered read first and second times by unanimous consent of the House and referred to committees:

House Bill No. 43, introduced by Revenue and Taxation: A bill for an Act entitled: "An Act directing the creation of unemployment relief fund; defining the purpose thereof; defining the authority of Boards of County Commissioners relative thereto; creating the Montana Unemployment Relief Commission; defining its powers and duties; fixing wages and hours of labor." Referred to Committee on Revenue and Taxation.

House Bill No. 44, introduced by Irrigation and Water Rights Committee: A bill designating the state water conservation board as the State Planning Board and defining its duties. Referred to Committee on Irrigation and Water Rights.

House Bill No. 45, introduced by Nass, a bill for an Act entitled: "An Act to amend Section 13 of Chapter 65 of the Laws of Montana, 1923, as amended by Section 2 of Chapter 141 of the Laws of Montana, 1927, relating to the appointment of special appraisers of estates." Referred to Committee on State Lands.

THIRD READING OF HOUSE BILLS

By unanimous consent bills on Third Reading were read by history, title and section number only, except when otherwise requested. House Bill No. 31, introduced by Committee on Appropriations, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Acher, Anderson, Arnold, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Cusker, Daugherty, Doran, Duffy, Findlater, Fitzstephens, Fowler, Freed, Grabow, Groene (Fergus), Hagerty, Harlen, Harrington, Hilger, Holecek, Logan, Love, McCarvel, McDermott, Marshall, Mason, Miles, Miller (Lincoln), Moss, Mulholland,

Nutting, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Porter, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 63.

Noes: Abrahamson, Balgord, Conner, Doe, Ecton, Ferry, Goodwin, Green (Dawson), Haight, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Lott, McElwain, Manning, Miller (Big Horn), Nass, Nelstead, O'Shea, Pilgeram, Quamme, Roll, Setzer, Strange, Sullivan, Trenne, Watson (Meagher). Total 30.

Absent and not voting: Annin, Blankenbaker, Freudenstein, Givens, Metlen, Ragen, Shannon, Stevens (Wheatland). Total 8.

Mr. Speaker: Sixty-three have voted "aye", thirty have voted "no"; House Bill No. 31 has passed the House.

NOTICES

Authors gave notice that they would on tomorrow or some subsequent day, introduce the following bills:

By Grabow: A bill for an Act entitled: "An Act to amend Chapter 176 of the Session Laws of Montana of 1933, relating to procedure for applying for a tax deed."

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Thursday, December 14th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

EIGHTEENTH DAY

House of Representatives,
Helena, Montana, December 14, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present, except the following: Blankenbaker, Doran, Givens, Stevens (Wheatland), excused.

REPORTS OF STANDING COMMITTEES

December 14, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following correctly engrossed: H. J. M. No. 2.

ROLPH, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

December 14, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

I have the honor to advise you that I have this day approved House Bill No. 8: "An Act legalizing and validating all elections heretofore held in any city or town of this state," etc.

F. H. COONEY, Governor.

The Speaker,
House of Representatives,
Helena, Montana.

In February of this year Mr. Bart C. Dignan, of Great Falls was injured by a fall of plaster from the ceiling of the office of the State Treasurer in the capitol, Mr. Dignan then being employed in the capacity of bond clerk in the Treasurer's office. Because of the injuries sustained Mr. Dignan was compelled to receive hospitalization and treatment by physicians. His bills for hospital and medical attendance totaled \$125.00.

Mr. Dignan is asking that the state reimburse him for the expense of treatment for injuries sustained while in the service of the state. The State Board of Examiners can neither authorize such reimbursement nor certify the claim to the assembly as a deficiency claim, because of the fact that there is no fund from which such a claim might be paid.

I am therefore submitting the case to this Extraordinary Session, with the recommendation that you give it consideration and take such action as to you may seem justified.

F. H. COONEY, Governor.

The Speaker,
House of Representatives,
Helena, Montana.

Montana is one of the states in which the production of crude petroleum and refined products thereof has come to be an important industry, and there is an insistent demand for legislation that will permit the agencies of this state to cooperate with the Federal Government in regulating the industry.

Believing that the members of the Assembly realize the importance of the subject, I hereby submit the question to this Extraordinary Session, with the recommendation that a measure be enacted providing for the recreation of an Oil Conservation Board for the State of Montana, to do any and all things that may be necessary for the regulation and the fostering of this industry which has come to mean so much in the industrial and economic life of the state.

F. H. COONEY, Governor.

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

December 13, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day introduced by unanimous consent without previous notice, read first and second time and referred to committee:

Senate Bill No. 13, by Church: A bill for an Act entitled: "On Act to amend Chapter 12 of the Session Laws of the Twenty-third Legislative

Assembly of the State of Montana, relating to nepotism and prohibiting the practice thereof." Referred to Committee on Public Morals.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion, duly seconded and carried, S. B. No. 8 was taken from Third Reading and referred to Committee on Judiciary; and S. J. M. No. 4 was taken from Third Reading today and referred to Third Reading for tomorrow.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 13, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day introduced, read first and second time, and referred to committee:

S. B. No. 12, by Clifford: A bill for an Act entitled: "An Act providing for certain exemptions by judgment debtors from the levies of executions or attachments." Referred to Committee on Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 13, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day gave notice that he was about to sign, and did sign, House Bill No. 8, by Woodcock, Lewis and Shannon.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 13, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Notice of Introduction was this day received:

By Sparling: A bill for an Act entitled: "An Act to amend Section 2235, of the Revised Codes of Montana of 1921, as amended by Chapter 85, Laws of the Twentieth Legislative Assembly, as amended by Chapter 162, Laws of the Twenty-first Legislative Assembly, relating to the sale of unredeemed property by County Commissioners."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 13, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Printing: That S. J. R. Nos. 2 and 3 have been returned from the printer correctly printed, report adopted.

Committee on Engrossed Bills: That S. B. Nos. 9 and 10 and S. J. M. Nos., 3 and 4 have been correctly engrossed, report adopted.

Committee on Agriculture: That H. B. No. 23, by Parker, be concurred in, report adopted.

Committee on Labor and Capital: That H. B. No. 16 be amended by inserting in line 11 after the word "of" and before the word "not" in the engrossed bill, the words and figures; "eight (8) hours shall constitute a day's work and a period of";

Amend further by striking out all of Section 3 thereof and inserting in lieu thereof:

"Section 3. The provisions of this Act shall not apply to registered pharmacists, or assistant pharmacists."

And as so amended, recommend said H. B. No. 16 be concurred in.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 13, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 1 be concurred in.

That H. B. No. 23 be amended in the title by striking out in line 2 the words and figures, "of the Laws of Montana, 1933," and inserting in lieu thereof the words and figures, "of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933."

Further amend by striking out in line 1 of Section 1, the words and figures, "of the Laws of Montana, 1933," and inserting in lieu thereof the words and figures, "of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933";

And as so amended, recommend said H. B. No. 23 be concurred in.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 13, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day read three several times and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence:

S. B. No. 6, by Ruffcorn.

S. B. No. 7, by Wass.

S. B. No. 9, by Judiciary Committee.

S. B. No. 10, by Committee on Irrigation and Water Rights.

S. J. M. No. 3, by Kelsey.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 13, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 1, by Beadle, was this day read three several times and concurred in, as amended, title and history agreed to, and Resolution is herewith returned to the House, for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by McCarvel, duly seconded and carried, that the printed report of the Relief Commission attached to the report of the Special Joint Relief Committee be not entered on the Journal.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following bills and memorials were introduced, read first and second time and referred to committees:

Senate Bill No. 9, introduced by Judiciary Committee: A bill for an Act entitled: "An Act authorizing and permitting cities and towns to make loans from the United States, or any of its agencies created for such purpose under the Acts of Congress known as the Emergency Relief and Construction Act of 1932, and National Industrial Recovery Act, and Acts amendatory thereof and supplementary thereto, for the construction, purchase, acquisition, enlargement, extension or improvement of municipal water plants and systems, the construction, enlargement, extension or improvement of sewers, sewer systems, septic tanks or other plants or systems for the treatment, purification or disposal of sewerage, providing the method or procedure therefor and validating all proceedings and elections heretofore commenced or held for such purposes, or any thereof." Committee on Judiciary.

Senate Bill No. 6, introduced by Ruffcorn: A bill for an Act entitled: "An Act authorizing and regulating the sale of state lands to the United States of America in connection with the construction of the Fort Peck Dam and in connection with other projects undertaken by the United States, and also authorizing and regulating the sale of state lands for projects under the administration of the State Water Conservation Board." Referred to Committee on State Lands.

Senate Bill No. 7, introduced by Wass: A bill for an Act entitled: "An Act to amend Section 4 of Chapter 158 of the Twenty-second Legislative Assembly of the State of Montana relating to the registration of motor vehicles." Referred to Committee on Highways.

Senate Bill No. 10, introduced by Committee on Irrigation and Water Rights: A bill for an Act entitled: "An Act authorizing and empowering the State Engineer to negotiate compacts with other states regarding interstate waters." Referred to Committee on Irrigation and Water Rights.

Senate Joint Memorial No. 3, introduced by Kelsey: A Memorial to the President of the United States, the Secretary of Agriculture of the United States, and Chief Forester of the United States. Referred to Committee on Federal Relations.

House Bill No. 46, introduced by Haight and Holecek: A bill for an Act entitled: "An Act to amend Sections 2 and 28 of Chapter 181 of the Laws of Montana 1933 regulating rate of personal income tax to be paid, and distribution of said tax." Referred to Committee on Revenue and Taxation.

The following bill was introduced without notice, read first and second time by unanimous consent of the House, and referred to Committee on Revenue and Taxation.

House Bill No. 47, introduced by Stephens of McCone: A bill for an Act entitled: "An Act to amend Section 2435 of the Revised Codes of Montana, 1921, relating to license taxes on vendors of oleomargarine, vendors of cigarettes, and railway warehouses; and to provide for a license tax upon the business of selling cigarettes, cigarette paper, or the material used in the making of cigarettes, except tobacco."

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

H. J. R. No. 3, Sub. H. B. No. 18, Sub. H. B. No. 17.

SOMERVILLE, Chairman.

Without objection, report adopted.

THIRD READING OF HOUSE BILLS

House Joint Memorial No. 2, introduced by Watson of Meagher, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harrington, Hilger, Holecek, Jensen, Knowles, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Roll, Rolph, Schuster, Setzer, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Ballard, Kruse, Mr. Speaker. Total 89.

Noes: None.

Absent and not voting: Arnold, Blankenbaker, Duffy, Givens, Harlen, Nutting, Pierson, Porter, Rognlien, Shannon, Stevens (Wheatland); White. Total 12.

Mr. Speaker: Eighty-nine have voted "aye", none have voted "no"; House Joint Memorial No. 2, has passed the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under rules of the previous sitting.

Haight in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: Sub. Senate Bill No. 1, Senate Bill No. 3, Sub. House Bill No. 18, Sub. House Bill No. 17, House Joint Resolution No. 3, House Bill No. 29.

Beg leave to report as follows:

That Sub. Senate Bill No. 1 be passed for the day.

That Senate Bill No. 3 be passed for the day.

That printed Substitute House Bill No. 18 be amended as follows: Amend Section 2, line 2 after the word "bond" by inserting "in an amount not exceeding Two Hundred and Fifteen Thousand Dollars, face value," and as amended do pass.

That Sub. House Bill No. 17 be amended as follows: Amend Section 2, line 2, after the word "bonds" by inserting "in an aggregate amount not exceeding Four Hundred Thousand Dollars face value" and as amended do pass.

House Joint Resolution No. 3, do pass.

That House Bill No. 29 be amended as follows: Amend Section 5, line 5 after the word "Sunday" by inserting the words "or in a weekly newspaper for two successive issues" and as amended do pass.

HAIGHT.

On motion of Haight, report adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Irrigation and Water Rights having had under consideration House Bill No. 44:

A bill for an Act entitled: "A bill designating the state water conservation board as the State Planning Board and defining its duties."

Respectfully report as follows: That House Bill No. 44 do pass.

IRRIGATION AND WATER RIGHTS.

By: NUTTING, Chairman.

On motion of Nutting, report adopted.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

December 14, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 37, entitled:

"An Act relating to certain license fees to be paid by collecting agents and other persons, firms or corporations other than attorneys-at-law engaged in collection of bills, note or accounts; and fixing license fees thereof and prescribing a penalty for failure to pay said license fee or otherwise failing to comply with the provisions herein."

Respectfully report as follows: That House Bill No. 37 be amended as follows:

Do not pass, but that Substitute House Bill No. 37 do pass entitled: "An Act relating to certain license fees to be paid by collecting agents and other persons, firms or corporations other than attorneys-at-law engaged in collection of bills, notes or accounts; and fixing license fees thereof and prescribing a penalty for failure to pay said license fee or otherwise failing to comply with the provisions herein." Do pass.

GROENE, Chairman.

On motion of Groene, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

It was moved by Besancon, duly seconded and carried, that messages from the Senate be considered read and the Journal so show.

December 14, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That S. J. R. No. 2 do pass.

That S. J. R. No. 3 do pass.

That H. B. No. 16 be amended in Section 1 by striking out in the engrossed bill (and not appearing in the printed bill) the House amendment inserted at the end of said Section 1, and reading as follows: "providing, however, this does not conflict with the code as set by the National Recovery Act applying to such establishments."

And as so amended, recommend said H. B. No. 16 be concurred in.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND
READING OF THE SAME

The following bills were introduced, read first and second time and referred to committees:

House Bill No. 48, introduced by Haight and Holecek: A bill for an Act entitled: "An Act to amend Sections 1 and 16 of Chapter 166 of the Montana Session Laws of 1933 relating to amount of license tax of corporations and providing for the distribution thereof." Referred to Committee on Revenue and Taxation.

House Bill No. 49, introduced by Byrne: A bill for an Act entitled: "An Act to amend Section 4918 of the Revised Codes of Montana, 1921, relating to fees of the Clerk of the District Court; directing the disposition of certain of said fees and repealing all Acts and parts of Acts in conflict therewith." Referred to Committee on Judiciary.

The following bills were introduced without notice, read first and second time, by unanimous consent of the House, and referred to committees.

House Bill No. 50, introduced by Haight and Holecek: A bill for an Act entitled: "An Act to amend Section 2296 of the Revised Codes of Montana, as amended by Section 1, Chapter 166 of the Laws of Montana, 1933, and to amend Section 16 of Chapter 166, of the Laws of Montana, 1933, providing a method of arriving at net income, allowing certain deductions and exempting certain corporations from said tax; to provide for allocation of income to Montana of business done by corporations both within and without the state; to provide for the necessary enforcement and collection of said tax, and penalties for failure to comply herewith, and granting powers to the State Board of Equalization to make rules and regulations relative thereto." Referred to Committee on Revenue and Taxation.

House Bill No. 51, introduced by O'Connell, "An Act amending Section 1, and Section 4, of Chapter 174, of the Session Laws of 1933, requiring every person, firm, co-partnership, association, joint stock company,

Syndicate and corporation engaged in or carrying on the business of constructing, maintaining and operating telephone lines and telephone instruments within the State of Montana to pay license taxes and providing penalties." Referred to Committee on Revenue and Taxation.

House Bill No. 52, introduced by Committee on Revenue and Taxation: A bill for an Act entitled: "An Act establishing an emergency relief fund; creating a state institution to be known as emergency relief; defining the purpose and directing the administration thereof; and directing the distribution of moneys to said fund." Referred to Committee on Revenue and Taxation.

THIRD READING OF HOUSE BILLS

Senate amendments to House Bill No. 3, having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Cusker, Daugherty, Duffy, Ecton, Findlater, Fitzstephens, Fowler, Freed, Freudentstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Harlen, Harrington, Holecek, Jensen, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Quamme, Rearden (Cascade), Rognlien, Roll, Rolph, Schuster, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 80.

Noes: Anderson, Doe, Ferry, Haight, Hilger, Setzer. Total 6.

Absent and not voting: Blankenbaker, Conner, Doran, Givens, Larsen, Nutting, Porter, Ragen, Raiston, Reardon (Deer Lodge), Replogle, Shannon, Stevens (Wheatland), Watson (Meagher), White. Total 15.

Mr. Speaker: Eighty have voted "aye"; six have voted "no"; Senate amendments to House Bill No. 3, have been concurred in by the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under rules of the previous sitting.

Haight in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate amendments on House Joint Resolution No. 1, beg leave to report as follows: That Senate amendments on House Joint Resolution No. 1 be not concurred in.

HAIGHT, Chairman.

On motion of Haight, report adopted.

It was moved by Besancon, duly seconded and carried, that the House recess until 4:00 o'clock.

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, having examined the Journal of the House for the seventeenth legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly, find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 30, a bill for an Act entitled: "An Act relating to the licensing and regulation of the manufacture, sale and distribution of beer and other similar beverages, and to amend Sections 2, 3, 9, 13, 14, 17, 20, 28, 30, 32, 43, 45, 48 and 49, and to repeal Sections 21, 22, 23, 24, 25, 26, 27, 38, 39, 41 and 42 of Chapter 106, Laws of 1933, relating thereto," respectfully report as follows: That House Bill No. 30 be amended as follows:

Amend the title in line 3 by inserting after the figure "17" the figure "18."

By inserting a new Section 7 to read as follows: "That Section 18 of Chapter 106, Laws of 1933, be and the same is hereby amended to read as follows: 'It shall be lawful for any wholesaler to sell, deliver or distribute any beer purchased or acquired to the public in the original packages of quantities not less than two (2) gallons, with the intent that such package shall be taken away from the premises of such wholesaler in unbroken packages for consumption off the premises of such wholesaler.'"

Amend House Bill No. 30 by striking out all of Section 13, starting with line 9, and strike out all of lines 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, and inserting in lieu thereof the following:

"(a) The number of licenses granted by the Board to retailers in cities, towns and villages shall not in any one (1) year exceed:

Two (2) licenses for the first Five Hundred (500) population, or fraction thereof;

A third license for the next Five Hundred (500) population or fraction thereof, up to One Thousand (1000) population;

A fourth license for the next Five Hundred (500) population, or fraction thereof, up to One Thousand Five Hundred (1500);

A fifth license for population of at least Two Thousand Five Hundred (2500) and

One (1) license for each additional One Thousand (1000) of population thereafter.

(b) In the issuance of licenses to retailers under the provisions of this section, the following further limitations shall apply:"

Amend Section 13 by striking all of Sub-section 3 and renumber Sub-section 4 to read Sub-section 3 and Sub-section 5 to read Sub-section 4.

Amend Section 14, line 25, after the word "club" by striking out the words and figures "One Hundred Dollars (\$100.00)" and inserting in lieu thereof the words and figures "Fifty Dollars (\$50.00)."

Renumber Section 7 as contained in the bill to read "Section 8," Section 8 to read "Section 9," Section 9 to read "Section 10," Section 10 to read "Section 11," Section 11 to read "Section 12," Section 12 to read "Section 13," Section 13 to read "Section 14," Section 14 to read "Section 15," Section 15 to read "Section 16," Section 16 to read "Section 17," Section 17 to read "Section 18."

By inserting a new Section 19 to read as follows:

"Section 19. The sale of beer by the State Board of Liquor Control is hereby prohibited save and except ale, porter and stout containing more than three and two-tenths per cent (3.2%) of alcohol by weight."

Renumber Section 18 contained in the bill to read "Section 20," and Section 19 as contained in the bill to read as "Section 21," and as amended, recommend that bill do pass.

ROGNLIEN, Chairman.

On motion of Nelstead, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

December 14, 1933.

The Speaker,
House of Representatives,
Helena.

One of the topics uppermost in the minds of Montana people is the high price that we are compelled to pay for gasoline in this state. The belief that we are being discriminated against is widespread and while numerous attempts have been made to reduce the cost of this fuel there has been no success worthy the name. A few months ago I was in correspondence with refiners doing business in this state, with the hope that some relief might be had, but there has been no response indicating that there is any disposition on the part of the companies serving the state to heed the rumblings of discontent over the situation. Apparently the state is without authority to exert any influence that will bring about a readjustment.

In the circumstances it seems to me that it is high time the state were taking steps that may offer some hope of success. It may be that something can be achieved through a regulatory measure in the shape of an amendment of our present law, but the terms of which our Public Service Commission would have the power to revoke the license of persons engaged in the gasoline business, where such persons should be found guilty of charging exorbitant prices for their products to the people of this state.

Believing that the situation is one that demands the exercise of every effort on the part of the law-making body and of the officials of the state, I hereby recommend that this Extraordinary Session enact such legislation as will grant to the Public Service Commission the power to revoke licenses as suggested, after proper investigation.

F. H. COONEY,
Governor.

December 14, 1933.

The Speaker,
House of Representatives,
Helena.

Members of your body have directed my attention to the apparent failure of the Governor's messages heretofore presented to you to authorize revenue to be raised, except revenue for relief of distress, and have conveyed to me the suggestion it might be desirable and that the Legislative Assembly might see fit to provide revenue for various funds of the state.

I, therefore, recommend and submit the question of additional revenues to the wisdom and discretion of your body and you are hereby authorized, in addition to providing revenue for the relief of people in distress and the relief of unemployment, also to provide for the general fund of the state and Common School Interest and Income Fund, such revenue as may seem desirable.

F. H. COONEY,
Governor.

December 14, 1933.

The Speaker,
House of Representatives,
Helena.

Beyond a shadow of a doubt every citizen of Montana is desirous of doing everything within his power to insure restoration of conditions as they existed in our Nation before the depression got its throttling grip

upon us. We are all, I believe, convinced that we have at last "turned the corner" in the pursuit of prosperity, and there are few who are willing to place any obstacle in the path of accomplishment of the aims of the Federal administration.

But it will be agreed that we should not depend wholly upon the parent government to pull us out of the quagmire. There is much that the state itself can do to aid in the return of better times, and the state should stand ready to quickly adopt any measure looking to this end.

It is believed that a long stride in the right direction would be taken by the enactment of a measure creating a State Industrial Recovery Board, to be appointed by the Governor and to serve without pay, after the model set up by the national body.

I shall not go into detail regarding the proposed measure, but I do hereby recommend that this Extraordinary Session consider the question of creating such a Board and that it enact a measure under which the Governor and the proposed Board may give fullest cooperation to the Federal forces that are working for the good of the whole people.

F. H. COONEY,
Governor.

MOTIONS AND RESOLUTIONS

It was moved by Harrington, duly seconded and carried, that the stenographers be restricted to eight hours' work each day in this House.

The following resolution was introduced:

RESOLUTION NO. 2

Introduce by Pilgeram and Rearden of Cascade.

On motion of Pilgeram, resolution adopted.

RESOLUTION

WHEREAS, complaints of various and diverse natures as to the administration of the work under the CWA in Silver Bow county,

WHEREAS, it has come to our attention that there have been flagrant abuses and violations of the rules and regulations as set up by the Civil Works Administration,

BE IT HEREBY RESOLVED, That the Speaker appoint a committee of three to be sent to Silver Bow County to investigate the administration of the Silver Bow committee administering the CWA and prosecute all technicalities to look into the truth or falsity of the aforesaid complaints as to these abuses and violations.

O'CONNELL,
BEADLE,
FREUDENSTEIN,
MULHOLLAND.

On motion of O'Connell, resolution adopted.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME.

The following bills were introduced, read first and second time and referred to committees:

House Bill No. 53, introduced by Shannon, Woodcock, Groene, Findlater, Miller, Pilgeram, Rearden, Conner, Metlen, Byrne, Nass, Strange, Somerville, Larsen, Moss, Arnold, O'Shea, Parker, Doe, Snidow, McCarvel,

Jensen, Watson of Meagher, Campbell, Trenne, Roll, McElwain, Abrahamson, Breitenstein, Hagerty, Waite, Setzer, Annin, Reardon, Ralston, Freudenstein, Knowles, Sullivan, Replogle, Cusker, Quamme, Ferry, McDermott, Ragen, Balgord, Wigal, Lott, Miles, Grabow, and Logan: A bill for an Act entitled: "An Act to provide for the sale of spirituous and vinous liquors at wholesale by the State of Montana; creating the Montana Liquor Control Board, and providing for the operation thereof; providing for a stamp tax and the issuance of licenses for the retail sale of such liquors in the State of Montana and providing for the distribution of moneys collected hereunder for emergency relief and other purposes." Referred to Committee on Revenue and Taxation.

House Bill No. 54, introduced by Watson of Meagher: A bill for an Act entitled: "An Act to authorize the erection of buildings for the Greater University of Montana at Lewistown; to authorize the borrowing of money for the construction of said buildings, to create a fund out of which the principal of and the interest upon the money so borrowed may be paid, and to provide that the money so borrowed shall not be and never shall become a charge against the State of Montana, or a liability, debt or obligation of the State of Montana; to authorize the State Board of Education to move, sell or dismantle any and all buildings now occupied or used by the units of said University; limiting the amount of indebtedness to be incurred not to exceed Two and One-half Millions of Dollars." Referred to Committee on State Institutions, Public Buildings and Grounds.

The following bills were introduced, without notice, by unanimous consent of the House, read first and second time and referred to committees:

House Bill No. 55, introduced by Watson of Meagher and Ralston: A bill for an Act entitled: "An Act to amend Chapter 109 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, relating to the regulation and sale of gasoline and other petroleum products, by adding after Section 19 thereof a new section to be known as Section 19A, providing for the revocation by the Public Service Commission of the license to engage in the business of selling gasoline and other petroleum products issued to any person, firm, partnership, association or corporation, and granting the right of appeal where such revocation is ordered." Referred to Committee on Judiciary.

House Bill No. 56, introduced by Committee on Revenue and Taxation: A bill for an Act entitled: "An Act relating to the imposition of a tax on the sale of gasoline; the collection and disposition thereof; and prescribing penalties for the violation of such Act." Referred to Committee on Revenue and Taxation.

House Bill No. 57, introduced by Pilgeram: A bill for an Act entitled: "An Act to provide a privilege license tax on all persons, associations or corporations owning or operating a telephone or telegraph business in this state." Referred to Committee on Revenue and Taxation.

House Bill No. 58, introduced by Byrne: A bill for an Act entitled: "An Act to prohibit and prevent the waste of crude petroleum in the State of Montana; creating an Oil Conservation Board; providing for the appointment of the members of said Board, providing the powers, duties and authority of said Board and the members thereof; providing for the filing and hearing of complaints concerning waste of crude petroleum, and for oaths, subpoenas and depositions; providing for the cooperation of said board with the government of the United States and department or bureau thereof in the administration and enforcement of the National Industrial Recovery Act and any order, rule, regulation or code, promulgated thereunder in so far as related to the petroleum industry; providing for the enforcement of the Act and the rules, regulations and orders of the said board and creating a fund for the purposes of said Act and providing for the assessment and collection thereof." Referred to Committee on Petroleum, Oil and Gas.

House Bill No. 59, introduced by O'Connell, Beadle, Kuhl, O'Shea, Daugherty: A Bill for an Act entitled: "An Act to amend Section 6112 of the Revised Codes of Montana, 1921, regarding the license fees to be paid by insurance corporations, associations and societies, to provide funds for the support and relief of the needy and for their employment, and for the financing of direct relief or work relief, or both for a limited period." Referred to Committee on Revenue and Taxation.

House Bill No. 60, introduced by Beadle: A bill for an Act entitled: "An Act requiring all persons, co-partnerships, firms, associations, joint stock companies, syndicates and corporations engaged in, or carrying on, the business in this state of contracting, or who shall enter into construction or improvement contracts, to pay to the State Board of Equalization certain license taxes for engaging in, carrying on, and entering into such business in this state; fixing the amount of such license taxes; providing a method for the assessment, collection and disposition thereof; and providing penalties for the violation of this Act." Referred to Committee on Revenue and Taxation.

House Bill No. 61, introduced by O'Connell: A bill for an Act entitled: "An Act requiring licenses for the operation, maintenance, opening or establishment of banks and limiting of the legal rate of interest thereof, prescribing licenses and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Board of Equalization in connection therewith, and prescribing penalties for the violation thereof." Referred to Committee on Banks and Banking.

House Bill No. 62, introduced by Pilgeram and Rearden: "An Act authorizing Bartholomew C. Dignan to file with the State Board of Examiners his claim against the State of Montana for compensation for injuries, for reimbursement for expenses occasioned by injuries received by him while employed in the office of the State Treasurer by reason of the ceiling falling upon him, and authorizing the said State Board of Examiners to hear, audit and determine the said claim, and making an appropriation to pay any such claim of said Bartholomew C. Dignan which said State Board of Examiners may approve and allow." Referred to Committee on Appropriations.

House Bill No. 63, introduced by Revenue and Taxation Committee: A bill for an Act entitled: "An Act relating to the sale of cigarettes, and cigarette papers and wrappers and papers used and prepared for the making of cigarettes and imposing taxes thereon, and the levy, assessment, collection, payment, and distribution of a tax thereon; providing for issuing licenses for the privilege of engaging in the business of the sale thereof and providing for the levy, assessment, collection, payment, and distribution of a tax for the privilege of engaging in such business; providing for the regulation of the sales thereof, the enforcement of such tax and license, and penalty for violation of this Act; defining the duties of state and county officials and designating the funds into which the proceeds derived from such licenses and stamps shall be paid." Referred to Committee on Revenue and Taxation.

House Bill No. 64, introduced by Grabow: A bill for an Act entitled: "An Act to amend Chapter 100 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 176 of the Session Laws of 1933, relating to tax deeds, providing the method and procedure to be followed in applying for the tax deed and for the issuance thereof by the County Treasurer; the redemption of said lands from the tax sale; the form of deed to be issued and the title conveyed thereby." Referred to Committee on Judiciary.

House Bill No. 62 was read at length second time.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that messages from the Senate be considered read at length and the Journal so show.

December 14, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read three several times and concurred in as amended, title and history agreed to, and bills are herewith returned to the House for concurrence in Senate amendments:

H. B. No. 16, by Mulholland.

H. B. No. 23, by Parker of Flathead.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 14, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Joint Memorial No. 4, by Committee on Agriculture, was this day read three several times and passed, title and history agreed to, and memorial is herewith transmitted to the House for concurrence.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 14, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

It is deemed highly essential by authorities interested in co-operation with the policy of the United States Department of Agriculture that there should be legislation on the part of the State of Montana whereby certain low-grade farming lands may be withdrawn from grain farming and certain other lands may be developed through irrigation, and a measure calculated to permit this has been prepared.

I therefore recommend that this Extraordinary Session consider this subject and pass such measure as will further this work through co-operation between the State Planning Board and Boards of County Commissioners.

F. H. COONEY, Governor.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following Senate Joint Memorial No. 4 was introduced, read first and second time and referred to Committee on Agriculture.

Senate Joint Memorial No. 4, introduced by Committee on Agriculture. A Memorial to the President of the United States relating to the administration of Federal Farm Loans by the Federal Land Bank located at Spokane, Washington, and other agencies in relation to loans upon farms within the State of Montana.

The following bills was introduced without previous notice by unanimous consent of the House, read first and second time and referred to Committee on Labor.

House Bill No. 65, introduced by Beadle, O'Connell: A bill for an Act entitled: "An Act to permit all contracts for state, county, municipal and school construction or repair work and maintenance to contain provisions conforming to the 'National Industrial Recovery Act,' or other

Federal statutes providing for minimum wages, hours of labor and other restrictions concerning employment designed to reduce unemployment, and declaring an emergency to exist, and repealing all Acts and parts of Acts in conflict herewith."

REPORTS OF STANDING COMMITTEES

December 14, 1933.

Mr. Speaker: We, your Committee on State Institutions, Public Buildings and Grounds having had under consideration House Bill No. 42, entitled:

A bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the Montana School for Deaf and Blind at Boulder, Montana; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state, but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Education to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders, and declaring an emergency."

Respectfully report as follows: That House Bill No. 42, be amended as follows:

Section 2, line 2, after the word "bonds" insert "not exceeding in amount the sum of One Hundred Seventy-five Thousand Dollars (\$175,000), face value." And as amended do pass.

MULHOLLAND, Chairman.

On motion of Mulholland, report adopted.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Friday, December 15, 1933.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

NINETEENTH DAY

House of Representatives,
Helena, Montana, December 15, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Hagen.

On roll call all members present, except the following:

Blankenbaker, Givens, Stevens (Wheatland), White, excused.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the Eighteenth Legislative Day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 27:

A bill for an Act entitled: "An Act providing a license tax for doing certain business in the State of Montana; to provide emergency relief and for the ascertainment, assessment and collection of said tax, and prescribing penalties for the valuation of the terms, of this Act, and for the distribution of the revenue received."

Respectfully recommend as follows: That House Bill No. 27 do not pass.

But that Substitute House Bill No. 27 entitled:

A bill for an Act entitled: "An Act to provide for license taxes upon the privilege of engaging in certain business, and levying a tax upon the gross sales made in such business, and/or the gross income of such business; to provide emergency relief, and to provide for the disposition of the revenues received."

Be reported out without recommendation.

December 14, 1933.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

H. J. M. No. 4; H. B. No. 10, 14, 35, 38, 44.

SOMERVILLE, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read and the Journal so show.

December 14, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced, read first and second time, and referred to committees:

S. B. No. 18, by Committee on Banks and Banking: A bill for an Act entitled: "An Act to repeal Senate Bill No. 4, approved December 11, 1933." Referred to Committee on Banks and Banking.

S. B. No. 19, by Committee on Banks and Banking: A bill for an Act entitled: "An Act providing for the amendment of the Articles of Incorporation of any commercial bank, savings bank, trust company or investment company, but authorizing the issuance of non-assessable preferred stock, and to repeal all Acts and parts of Acts in conflict." Referred to Committee on Banks and Banking.

S. B. No. 20, by Committee on Banks and Banking: A bill for an Act entitled: "An Act to authorize commercial banks, savings banks, trust companies and investment companies to issue and negotiate capital notes or debentures and to borrow money for capital purposes, and fixing the status of such capital." Referred to Committee on Banks and Banking.

S. J. M. No. 5, by Committee on Irrigation and Water Rights: A Memorial to the President and Congress of the United States requesting a continuation of the national policy of assisting distressed drainage dis-

tricts, levee districts and irrigation districts in funding and refunding the debts of such districts. Referred to Committee on Irrigation and Water Rights.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 14, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Oils and Leases this day recommended that H. J. M. No. 2 be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana.

December 14, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Engrossed Bills: That S. J. R. No. 2 has been correctly engrossed, report adopted.

Committee on Employment: That Lawrence Moon has been employed as janitor in the Senate organization, succeeding Paul Smith who has resigned due to illness in his family, report adopted.

Committee on Counties and Towns: That H. B. No. 25 be concurred in, report adopted.

Committee on Stockgrowing and Grazing: That Sub. for H. J. M. No. 1, be concurred in, report adopted.

Committee on Roads and Highways: That S. R. No. 1 be recommended for passage, report adopted.

Committee on Banks and Banking: That H. B. No. 22 be amended in the title by striking out in lines 2, 3, 4, 5 and 6 of the printed bill, the following words: "for the state of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or"

Further amend by striking out in Section 1 in lines 1, 2, 3 and 4, printed bill, the following words: "for the State of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or"

And as so amended, recommend said H. B. No. 22 for concurrence report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 14, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Joint Memorial No. 2, by Watson of Meagher, was this day introduced in the Senate, read first and second time, and referred to Committee on Oils and Leases.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 14, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced, read first and second time, and referred to committees:

S. B. No. 14, by Sparling: A bill for an Act entitled: "An Act to amend Section 2235 of the Revised Codes of Montana, 1921, as amended by Section 3 of Chapter 85, Laws of the Twentieth Legislative Assembly, as amended by Chapter 162, Laws of the Twenty-first Legislative Assembly, relating to the sale of unredeemed property by County Commissioners." Referred to Committee on Judiciary.

S. B. No. 15, by Carroll: A bill for an Act entitled: "An Act amending Section 17 of the Revised Codes of Montana, by adding new Sections to be known as Sections 4574A, as amended by Chapter 133 of the Session Laws of 1929, 4589-A and 4595-A, relating to Special Improvement Districts, in order that Federal loans may be made for said improvement district in conformity with the National Industrial Recovery Act." Introduced without previous notice by unanimous consent of the Senate. Referred to Committee on Federal Relations.

S. B. No. 16, by Burr and Plank: A bill for an Act entitled: "An Act to encourage and aid State Industrial Recovery in conjunction with National Industrial Recovery, and to aid in the re-establishment of industry in the State of Montana and to effectuate its control by license, permit, or otherwise; to foster fair competition to the end that fair wages will be paid to workers; to provide penalties for violation of the provisions of this Act; and to give to the Governor necessary authority fully to cooperate with the President of the United States and the agencies set up by him under the provisions of the Act known as the 'National Industrial Recovery Act,' including authority to appoint a board to carry out the provisions of this Act." Introduced without previous notice by unanimous consent of the Senate. Referred to Committee on Labor and Capital.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 14, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced in the Senate, read first and second time, and referred to committees:

H. B. No. 31—Committee on Finance and Claims.

Sub. H. J. M. No. 1.—Committee on Stockgrowing and Grazing.

House Sub. for H. B. No. 5—Referred to Committee on Taxation.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 14, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day introduced, read first and second time, and referred to committee:

S. B. No. 17, by Daniels: A bill for an Act entitled: "An Act to amend Section 4767 of the Revised Codes of Montana of 1921, as amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly, and as further amended by Chapter 137 of the Laws of the Nineteenth Legislative Assembly, and as further amended by Chapter 134 of the Laws

of the Twentieth Legislative Assembly, and as further amended by Chapter 49 of the Twenty-first Legislative Assembly, relating to the deposit of county, city and town funds." Introduced without previous notice by unanimous consent of the Senate. Referred to Committee on Banks and Banking.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under rules of the previous sitting.

Breitenstein in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: Sub. S. B. No. 1; H. B. No. 35; S. B. No. 3; H. B. No. 40; H. B. No. 38; H. B. No. 44 and H. B. No. 10, beg leave to report as follows:

That Sub. H. B. No. 1 be passed until afternoon.

That printed House Bill No. 35 be amended as follows: Amend Section 1, after the word "incurred" in line 12, by adding the words: "Provided, further, that these exemptions shall be absolute and the judgment debtor need file no affidavits of exemption"; and Clerk authorized to change "than" to "then" in line 9, and as amended do pass.

That Senate Bill No. 3 be passed for the day.

In printed House Bill No. 40, the Clerk is authorized to insert "Section 1" in line 1 and change "Section 1" to "Section 97" in line 1 of Section 1. That House Bill No. 40 do pass.

That House Bill No. 38 be passed for the day.

In House Bill No. 44, that the Clerk be authorized to insert "Committee on Irrigation and" in the introduction. House Bill No. 44 was passed for the day.

That House Bill No. 10 do pass, and your committee begs leave to sit again.

BREITENSTEIN, Chairman.

On motion of Breitenstein, report adopted.

Breitenstein in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: House Joint Memorial No. 4, Sub. House Bill No. 14, and Senate amendments to House Bills Nos. 16 and 23, beg leave to report as follows:

In printed House Joint Memorial No. 4, the Clerk is authorized to change "Wass" to "Nass" and to insert the words "of McCone" after the name "Stephens" and strike out the word "McCone" in line four of the title, and as amended House Joint Memorial No. 4 do pass.

That printed House Bill No. 14 be amended as follows: Amend Section 2 by inserting in line 12 after the word "furnished" the words "for the period ending March 1, 1935," and amend Section 4 by striking out in line 2 the words "until March 1, 1935," and as amended do pass.

That Senate amendments to House Bill No. 16 be concurred in.

That Senate amendments to House Bill No. 23 be concurred in.

BREITENSTEIN, Chairman.

On motion of Breitenstein, report adopted.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

On motion of Rognlien, duly seconded and carried by a majority vote, the following bill was introduced, read first and second time and referred to Committee on Revenue and Taxation:

House Bill No. 66, introduced by Revenue and Taxation Committee: A bill for an Act entitled: "An Act defining 'cosmetics and kindred products'; and imposing certain license fees and taxes on the sale of 'cosmetics and kindred products' and fixing certain fees on the business of handling, receiving, selling, offering for sale, and dealing in through sale, barter, or exchange of 'cosmetics and kindred products' by any person, firm, association, joint stock company, syndicate, or corporation in this state, and to provide methods and penalties for the enforcement of the aforesaid tax and penalties and to appropriate and apportion the revenue derived from this tax to certain funds of the State of Montana, and repealing all Acts or parts of Acts in conflict herewith."

REPORTS OF STANDING COMMITTEES

December 15, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

Sub. H. B. No. 17, and H. B. No. 29.

ROLPH, Chairman.

Without objection, report adopted.

THIRD READING OF HOUSE BILLS

Unanimous consent was given by the House to read bills on Third Reading by history and title only.

House Bill No. 17, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Haggerty, Haight, Harlen, Harrington, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Replogle, Rognlien, Roll, Rolph, Setzer, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker, Freudenstein. Total 90.

Noes: Hilger. Total 1.

Absent and not voting: Balgord, Blankenbaker, Givens, Miles, Reardon (Deer Lodge), Schuster, Shannon, Stevens (Wheatland), Watson (Meagher), White. Total 10.

Mr. Speaker: Ninety have voted "aye," one has voted "no"; House Bill No. 17 has passed the House.

House Bill No. 29, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Replogle, Rognlien, Roll, Rolph, Setzer, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker, Freudenstein. Total 90.

Noes: None.

Absent and not voting: Balgord, Blankenbaker, Doe, Givens, Lewis, Reardon (Deer Lodge), Schuster, Shannon, Stevens (Wheatland), Watson (Meagher), White. Total 11.

Mr. Speaker: Ninety have voted "aye," none have voted "no"; House Bill No. 29 has passed the House.

Senate amendments to House Bill No. 16 were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker, Freudenstein. Total 90.

Noes: Annin, Conner, Quamme, Sparling. Total 4.

Absent and not voting: Arnold, Balgord, Blankenbaker, Doe, Givens, Stevens (Wheatland), White. Total 7.

Mr. Speaker: Ninety have voted "aye," four have voted "no"; House Bill No. 16 Senate amendments have passed the House.

Senate amendments to House Bill No. 23 were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Mar-

shall, Mason, Metlen, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Rognlien, Roll, Rolph, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 88.

Noes: Goodwin, Harrington, Replogle. Total 3.

Absent and not voting: Balgord, Blankenbaker, Doe, Givens, Love, Miles, Reardon (Deer Lodge), Stevens (Wheatland), Trenne, White. Total 10.

Mr. Speaker: Eighty-eight have voted "aye," three have voted "no"; Senate amendments to House Bill No. 23 have been concurred in by the House.

The Speaker designated O'Connell of Silver Bow, Duffy of Hill and Trenne of Roosevelt to investigate the administration of the Silver Bow committee administering the Civil Works Administration, under resolution made yesterday by O'Connell, Freudenstein, Beadle, and Mulholland.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:30 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

December 15, 1933.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 34, entitled: A bill for an Act entitled: "An Act regulating the hours of labor of drivers and attendants of motor busses, and motor trucks in the State of Montana; defining the term 'attendant' and fixing penalties for the violation of the provisions of this Act," respectfully report as follows: That House Bill No. 34 be amended as follows:

Strike out all amendments to the bill made by the Committee on Highways and amend Section 1, line 3, by inserting after the word "agriculture" the words: "or the business of raising livestock," and we recommend the bill as amended do pass.

BEADLE, Chairman.

On motion of Beadle, report adopted.

December 15, 1933.

Mr. Speaker: We, your Committee on Highways having had under consideration Senate Bill No. 7 entitled: A bill for an Act entitled: "An Act to amend Section 4 of Chapter 158 of the Twenty-second Legislative Assembly of the State of Montana relating to the registration of motor vehicles."

Respectfully report as follows: That Senate Bill No. 7 be concurred in.

BREITENSTEIN, Chairman.

On motion of Breitenstein, report adopted.

December 15, 1933.

Mr. Speaker: We, your Committee on Federal Relations having had under consideration Senate Joint Memorial No. 1, entitled:

A Memorial to the President and to the Congress of the United States, requesting the establishing of an assay office at some appropriate point in the State of Montana.

Respectfully report as follows: That Senate Joint Memorial No. 1, be amended as follows:

To amend line 14 by striking out in line 14 the word "resulting" and inserting in lieu thereof the words "while resulted."

To amend line 15 by inserting after the word "office" the words "in Montana."

To strike out the word "however" in line 20.

To amend line 22 by striking out in line 22 the words "but if" and inserting in lieu thereof the word "and."

To amend line 22 by striking out in line 22 the word "outlet" and inserting in lieu thereof, the word "occupation." And as amended be concurred in.

CUSKER, Chairman.

On motion of Cusker, report adopted.

December 15, 1933.

Mr. Speaker: We, your Committee on Federal Relations having had under consideration House Joint Memorial No. 3, entitled:

A Memorial to the Congress of the United States of America, requesting the enactment of an adequate unemployment insurance law."

Respectfully report as follows: That House Joint Memorial No. 3, be printed and placed on general orders without recommendation.

CUSKER, Chairman.

On motion of Cusker, report adopted.

December 15, 1933.

Mr. Speaker: We, a minority of your Committee on Judiciary, having had under consideration a motion by Rognlien and Watson of Meagher that the House Journal of the Regular Session of the Twenty-third Legislative Assembly, with reference to House Bill No. 121 be corrected and amended, hereby recommend that the said motion be not adopted.

DUFFY,
REPLOGLE,
O'CONNELL,
PIERSON.

It was moved by Duffy, duly seconded, that the minority report be adopted. Motion was lost.

December 15, 1933.

Mr. Speaker: We, a majority of your Committee on Judiciary, having had under consideration a motion by Rognlien and Watson of Meagher that the House Journal of the Regular Session of the Twenty-third Legislative Assembly, with reference to House Bill No. 121, be corrected and amended, hereby recommend that the said motion be adopted.

GROENE,
BYRNE,
GRABOW,
MILLER,
BESANCON.
FITZSTEPHENS,
ECTON,
ACHER,
NELSTEAD.

On motion of Groene, majority report adopted and motion of Rognlien and Watson of Meagher, relating to House Bill No. 121 was approved and attached to said report as follows:

We, move that the House Journal of the Regular Session of the Twenty-third Legislative Assembly, be corrected and amended in the following particular;

Immediately following that portion thereof on page 444 showing the roll call on third reading of House Bill No. 121, introduced by Watson of Meagher, there be inserted and added the following:

"House Bill No. 121, being a constitutional amendment, and having been read three several times, was passed by the necessary two-thirds vote of the entire membership of the House as required by Section 9 of Article 19 of the State Constitution, and in compliance with the provisions thereof the bill is set forth in its entirety as follows:

House Bill No. 121, introduced by Watson of Meagher, a bill for an Act entitled: 'An Act, providing for the submission to the qualified electors of the State of Montana an amendment to Section 5, Article XVI, granting the Board of County Commissioners the power to consolidate county offices, and providing the procedure for the consolidation of county offices.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5 of Article XVI of the Constitution of the State of Montana, be amended, provided that the question of the said amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Section 5 of Article XVI of the Constitution of the State of Montana be amended so that, as amended, the same shall read as follows:

'Section 5. There shall be elected in each county the following officers:

One County Clerk, who shall be Clerk of the Board of County Commissioners and ex-officio Recorder; one Sheriff; one Treasurer, who shall be collector of the taxes, provided, that no person shall hold the office of County Treasurer for more than two consecutive terms; one County Superintendent of Schools; one County Surveyor; one Assessor; one Coroner; one Public Administrator. Persons elected to the different offices named in this section shall hold their respective offices for the term of two years, and until their successors are elected and qualified. Vacancies in all county, township and precinct offices, except that of County Commissioners, shall be filled by appointment by the Board of County Commissioners, and the appointee shall hold his office until the next general election, provided, however, that the Board of County Commissioners of any county may, in its discretion, consolidate any two or more of the within named offices and combine the powers and duties of the said offices consolidated, however, the provisions hereof shall not be construed as allowing one office incumbent to be entitled to the salaries and emoluments of two or more offices; provided, further, that in consolidating county offices, the Board of County Commissioners shall, six months prior to the general election held for the purpose of electing the aforesaid officers, make and enter an order, combining any two or more of the within named offices, and shall cause the said order to be published in a newspaper, published and circulated generally in said county, for a period of six weeks next following the date of entry of said order.'

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot as pro-

vided by law and shall be voted on at the general election to be held in November, 1934. On the principal ballot to be used at said election shall be printed thereon the words:

☐ For an amendment to the Constitution relating to the consolidation of county offices.

☐ Against an amendment to the Constitution relating to the consolidation of county offices.

The elector shall designate his preference for either of the propositions by marking an X before the proposition he desires.'

Section 4. The votes cast for and against this amendment above proposed shall be counted and canvassed as is provided by law, and if a majority of all votes cast, at such election for and against such amendment, be in the favor of such amendment the Governor of the State of Montana shall so declare by public proclamation, and the same shall be in full force and effect as part of the Constitution after the date of such proclamation.

Section 5. This Act shall be in full force and effect immediately upon its passage and approval.

ROGNLIEN,
WATSON of Meagher.

December 15, 1933.

Mr. Speaker: We, a minority of your Committee on Judiciary, having had under consideration a motion entitled:

By Rognlien and Watson of Meagher that the House Journal of the Regular Session of the Twenty-third Legislative Assembly, with reference to Senate Bill No. 30, be corrected and amended, hereby recommend that the said motion be not adopted.

DUFFY,
O'CONNELL,
REPLOGLE,
PIERSON.

December 15, 1933.

Mr. Speaker: We, the majority of your Committee on Judiciary, having had under consideration a motion by Rognlien and Watson of Meagher that the House Journal of the Regular Session of the Twenty-third Legislative Assembly, with reference to Senate Bill No. 30 be corrected and amended, hereby recommend that the said motion be adopted.

GROENE,
BYRNE,
GRABOW,
MILLER,
BESANCON,
FITZSTEPHENS,
ECTON,
ACHER,
NELSTEAD.

On motion of Groene, majority report adopted and motion of Rognlien and Watson of Meagher, relating to Senate Bill No. 30, was approved attached to said report as follows:

We, move that the House Journal of the Regular Session of the Twenty-third Legislative Assembly, be corrected and amended in the following particular:

Immediately following that portion thereof on pages 624 and 625 showing the roll call on Third Reading of Senate Bill No. 30, introduced by Thien, there be inserted and added the following:

"Senate Bill No. 30, being a constitutional amendment, and having been read three several times, was passed by the necessary two-thirds vote of the entire membership of the House as required by Section 9 of Article 19 of the State Constitution and in compliance with the provisions thereof the bill is set forth herein in its entirety as follows:

Senate Bill No. 30. Introduced by Thien. A bill for an Act entitled: 'An Act to provide for the submission to the qualified electors of the State of Montana of an amendment to Article V of the Constitution of the State of Montana, by adding thereto a section to be known as Section 46, providing for a state budget and the manner in which appropriations shall be made by the Legislative Assembly.'

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Article V of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1934.

Section 2. That Article V of the Constitution of the State of Montana be, and the same is hereby amended, by adding thereto a section to be designated and known as Section 46 and to read as follows:

'Section 46. Within fifteen days after the convening of the Legislative Assembly in Regular Session the Governor shall submit a budget for the two ensuing fiscal years. Such budget shall contain a complete plan of proposed expenditures and estimated revenues for the ensuing biennium. It shall show in detail the revenues and expenditures for each of the two fiscal years preceding; the current assets, liabilities, reserves and surplus or deficit of the state; the debts and funds of the state; an estimate of the revenues which will accrue to each fund of the state during each year of the ensuing biennium, and an estimate of the state's financial condition as of the beginning and end of such biennium; any explanation or statement the Governor may desire to make as to the important features of the budget, and any suggestions or recommendations as to methods for the reduction or increase of the state revenues.

The budget shall embrace an itemized estimate of the appropriations to be made for the Legislative Assembly, which shall be certified to the Governor by the President of the Senate and Speaker of the House within five days after the convening of the Legislative Assembly; for the executive department; for the judicial department; to pay and discharge the principal and interest of the public debt; for salaries payable by the state under the Constitution and laws of the state; for the maintenance, support and betterment of all state institutions, and for such other purposes as are set forth in the Constitution of laws of the state, and for all other appropriations.

The Governor shall deliver to the presiding officer of each house the budget and an appropriation bill for all of the proposed appropriations of the budget, clearly itemized and classified, and the presiding officer of each House shall promptly cause said bill to be introduced therein, but such bill need be printed only in the House of Representatives. The Governor may, before final action thereon by the Legislative Assembly, amend or supplement the budget to correct an oversight or error, or in case of an emergency, by delivering such amendment to the presiding officers of both houses and such amendment or supplement shall thereby become a part of the budget bill as an addition to the items therein or as a modification of or substitute for any item or items in said budget bill and

such amendment or supplement may effect. The Legislative Assembly may not alter said bill except to strike out or reduce items therein; provided, however, appropriations necessary for the payment of interest or principal of the public debt shall not be reduced or eliminated; and provided, further, that the salary or compensation of any public officer shall not be increased or decreased during his term of office.

Neither house shall consider any other appropriation, except an appropriation for the immediate expense of the Legislative Assembly, until the budget appropriation bill has been finally acted upon by both Houses. Every appropriation in addition to those provided for in the budget and budget appropriation bill, shall be embodied in a separate bill, which shall be designated as a supplementary appropriation bill, and shall be limited to some single work, object or purpose therein stated. No supplementary appropriation shall be valid if the balance of estimated revenues to accrue during the biennium to the fund out of which the supplementary appropriation is to be paid, after setting aside so much thereof as will be required to meet the appropriations made therefrom by the budget and budget appropriation bill, is insufficient to meet such supplementary appropriation, unless the Legislative Assembly shall provide in such supplementary appropriation bill the necessary revenue to meet and pay such appropriation by a tax, direct or indirect, to be levied and collected as directed by the Legislative Assembly. This prohibition shall not apply to appropriations to suppress insurrections, defend the state or assist in defending the United States in time of war.

The Governor, for the purpose of making up said budgets shall have the power, and it shall be his duty to require from all state officers, including all heads of executive and administrative departments, and institutions, bureaus, boards, commissions and agencies expending or supervising the expenditure of state moneys, and all institutions and individuals apply for state moneys and appropriations, such itemized estimates and other information as he may deem necessary and proper, in such form and at such times as he may direct.

The Governor may provide for hearings on all estimates and may require the attendance at such hearings of representatives of state departments, offices and institutions, and of other institutions and individuals applying for state appropriations.

The Governor may, in his discretion, revise, change or alter any and all estimates, except those relating to the Legislative Department as certified by the presiding officers of both houses, those providing for payment of the principal and interest of the state debt, and for salaries and expenditures specified by the Constitution or laws of the state.

The total appropriations made and expenditures authorized by the budget and budget appropriation bill from any fund must not exceed the estimated revenues from taxes, fees and all other sources which will accrue to such fund during the biennium covered by such budget and budget appropriation bill, and any and all appropriations or expenditures authorized by the budget and budget bill in excess of the estimated revenues which will accrue to the fund, from which such appropriations or expenditures are to be made, during such biennium, shall be wholly void.

No expenditure shall be made or authorized by any officer, bureau, board, commission, institution, agency or individual, or by the head of any state department or institution, for any purpose during any fiscal year, covered by the budget and budget appropriation bill in excess of the amount appropriated for such purpose by the budget appropriation bill.

Section 3. That separate official ballots shall be provided at the general election to be held in November, 1934, which shall have printed thereon the words: "For the Amendment to the Constitution providing for

a state budget and the manner in which appropriations shall be made by the Legislative Assembly,' and the words, 'Against the Amendment to the Constitution providing for a state budget and the manner in which appropriations shall be made by the Legislative Assembly,' and the elector shall indicate his preference by marking an 'X' before the proposition for which he desires to vote, and the result of the vote on said question shall be determined and declared as provided by law.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage."

ROGNLIEN,
WATSON of Meagher.

December 15, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled:

House Bill No. 3.

LARSEN, Chairman.

On motion of Larsen, report adopted.

December 15, 1933.

We hereby certify that we have this day received Enrolled House Bill No. 3, and same has been found to be correct.

PIERSON.

Mr. Speaker announced he was about to sign House Bill No. 3, whereupon the Clerk read the title of the bill and the Speaker did sign in the presence of the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 52:

A bill for an Act entitled: "An Act establishing an emergency relief fund, creating a state institution to be known as emergency relief; defining the purpose and directing the administration thereof; and directing the distribution of moneys to said fund."

Respectfully report as follows: That House Bill No. 52 be amended as follows:

By inserting a new Section 5 to read as follows:

"The members of the Montana Relief Commission shall each take and subscribe to the Constitutional Oath of Office, and shall furnish a surety company bond conditioned upon the faithful discharge of their duties in the amount of Five Thousand Dollars (\$5000.00) each, running to the State of Montana, the premium of which shall be paid by the State."

And re-numbering subsequent sections in proper order.

And as so amended, recommend that the bill do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

December 15, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 43:

A bill for an act entitled: "An Act directing the creation of unemployment relief fund; defining the purpose thereof; defining the authority of Boards of County Commissioners relative thereto; creating the Montana Unemployment Relief Commission; defining its powers and duties; fixing wages and hours of labor."

Respectfully report as follows: That House Bill No. 43, be amended as follows:

By inserting in Section 5, line 25 after the word "for" the following: "Each person so employed and Ten Dollars (\$10.00) per month for."
And as so amended, recommend that bill do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bills Nos. 40, 41.

SOMERVILLE, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE.

December 15, 1933.

The Speaker,
House of Representatives,
Helena.

Many of our banks have pledged collateral securities to the state, counties, and municipalities to secure public deposits and such banks desire that the proper officials be authorized to permit the withdrawal of such amount of the pledged securities as will be equal to the amount to which such public deposits will be guaranteed by the Federal Government when the Federal Guarantee Act becomes operative.

Therefore I hereby recommend enactment of appropriate legislation authorizing the proper officials to negotiate with and if found advisable permit the banks to withdraw such excess collateral security.

Refund of Beer License Fees

Some persons residing in cities and towns located on Indian reservations, or on lands that are virtually surrounded by Indian reservations in Montana, paid for and were granted licenses to engage in the business of selling beer under the Beer Act of the 1933 Regular Session. It has developed that such traffic is prohibited under the regulation of the Federal Government in such cities and towns, and equity demands that the unearned portion of the license fees paid by such licensees be refunded. I therefore respectfully recommend appropriate legislation authorizing such refunds.

F. H. COONEY,
Governor.

MOTIONS AND RESOLUTIONS

It was moved by O'Connell, duly seconded and carried, that the committee of three appointed to investigate the Silver Bow Committee on Civil Works Administration, be allowed expenses from the Legislative expenditures and also the expense of one stenographer.

The following resolution was introduced:

House Resolution No. 3, introduced by Beadle: A resolution concerning the passage and approval of a bill when introduced by the Honorable

Burton K. Wheeler, United States Senator from Montana, in the next session of Congress fixing the free and unlimited coinage of silver on a basis of sixteen ounces of silver to one ounce of gold.

On motion of Beadle, resolution adopted.

REPORTS OF STANDING COMMITTEES

December 15, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. J. R. No. 3, H. B. No. 10, Sub. H. B. No. 18 and H. B. No. 35.

ROLPH, Chairman.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

On motion of Rognlien, duly seconded and carried by a majority vote, the following bill was introduced, read first and second time and referred to Committee on Revenue and Taxation:

House Bill No. 67, introduced by Rognlien: A bill for an Act entitled: "An Act to provide emergency relief by authorizing Boards of Trustees of county high schools in counties where there are district high schools to borrow money and to enter into contracts and arrangements for the repair and construction of buildings and public works, providing for elections and procedure to be followed by county high school districts."

On motion of Mulholland, duly seconded and carried by a majority vote, the following bill was introduced, read first and second time and referred to Committee on State Institutions, Public Buildings and Grounds.

House Bill No. 68, introduced by Committee on State Institutions, Public Buildings and Grounds: A bill for an Act entitled: "An Act to authorize the erection of a building or buildings for the Montana State Industrial School; to authorize the borrowing of money to pay for the construction of said building or buildings; to create a fund out of which the principal of and the interest upon the money so borrowed may be paid; and to provide that the money, so borrowed, shall not be and never shall become a charge against the State of Montana or a liability, debt or obligation of the State of Montana."

On motion of Besancon, duly seconded and carried by a majority vote that Cusker be allowed to introduce a bill, and the following bill was thereupon introduced, read first time and second time at length and referred to Committee on Appropriations:

House Bill No. 69, introduced by Cusker: A bill for an Act entitled: "An Act to refund to beer licensees on Indian reservations where licensees are prohibited from operating by reason of regulations of the Federal Government, and providing an appropriation therefor."

THIRD READING OF HOUSE BILLS

Unanimous consent was given by the House to read bills on Third Reading by history and title only.

House Joint Resolution No. 3, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Fowler, Freed,

Freudenstein, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McDermott, Manning, Marshall, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Replogle, Rognlien, Roll, Setzer, Snidow, Somerville, Spangler, Stephens (McCone), Stiefel, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 78.

Noes: None.

Absent and not voting: Blankenbaker, Byrne, Doran, Fitzstephens, Givens, Goodwin, Grabow, Knowles, McCarvel, McElwain, Mason, Metlen, O'Connell, O'Shea, Rearden (Cascade), Reardon (Deer Lodge), Rolph, Schuster, Shannon, Sparling, Stevens (Wheatland), Strange, White. Total 23.

Mr. Speaker: 78 have voted "aye," none have voted "no"; House Joint Resolution No. 3 has passed the House.

House Bill No. 10, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Anderson, Arnold, Baggord, Ballard, Beadle, Besancon, Bjorneby, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Fowler, Freed, Freudenstein, Green (Dawson), Groene (Fergus), Hagerty, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Lott, Love, McDermott, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Ragen, Ralston, Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Snidow, Spangler, Sparling, Stephens (McCone), Stiefel, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 75.

Noes: Annin, Breitenstein, Byrne, Haight, Knowles, Quamme. Total 6.

Absent and not voting: Acher, Blankenbaker, Doran, Fitzstephens, Givens, Goodwin, Grabow, Logan, McElwain, Metlen, O'Connell, O'Shea, Rearden (Cascade), Reardon (Deer Lodge), Shannon, Somerville, Stevens (Wheatland), Strange, White, McCarvel. Total 20.

Mr. Speaker: 75 have voted "aye," 6 have voted "no"; House Bill No. 10 has passed the House.

Substitute House Bill No. 18, introduced by Committee on State Institutions, Public Buildings and Grounds, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Baggord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fowler, Freed, Freudenstein, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Snidow, Spangler, Sparling, Stephens (McCone), Stiefel, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 87.

Noes: None.

Absent and not voting: Blankenbaker, Fitzstephens, Givens, Goodwin, McElwain, Metlen, O'Connell, O'Shea, Reardon (Deer Lodge), Shannon, Somerville, Stevens (Wheatland), Strange, White. Total 14.

Mr. Speaker: 87 have voted "aye," none have voted "no"; Substitute House Bill No. 18, introduced by Committee on State Institutions, Public Buildings and Grounds, has passed the House.

House Bill No. 35, introduced by Fitzstephens, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Byrne, Campbell, Chapman, Conner, Cusker, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Grabow, Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Holecek, Jensen, Kruse, Lewis, Logan, Lott, Love, McDermott, Manning, Mason, Miles, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Ueland, Waite, Whaley, Wigal, Mr. Speaker. Total 73.

Noes: Balgord, Breitenstein, Daugherty, Doe, Green (Dawson), Hilger, Knowles, Kuhl, Marshall, Quamme, Snidow, Trenne, Watson (Missoula), Woodcock. Total 14.

Absent and not voting: Blankenbaker, Givens, Goodwin, Larsen, McCarvel, McElwain, Metlen, Miller (Big Horn), O'Shea, Reardon (Deer Lodge), Shannon, Stevens (Wheatland), Watson (Meagher), White. Total 14.

Mr. Speaker: 73 have voted "aye," 14 have voted "no"; House Bill No. 35, introduced by Fitzstephens, has passed the House.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

December 15, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that S. J. R. No. 2, by Kalberg, Carey and Ruffcorn, was this day read three several times and passed, title and history agreed to, and resolution is herewith transmitted to the House for concurrence.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, December 15, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Joint Memorials were this day read three several times and concurred in, title and history agreed to, and memorials are herewith returned to the House:

Sub. for H. J. M. No. 1, by Woodcock and Cusker.

H. J. M. No. 2, by Watson of Meagher.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, December 15, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read three several times and concurred in as amended, title and history agreed to, and bills are herewith returned to the House for concurrence in Senate amendments:

H. B. No. 1, by Besancon.

H. B. No. 22, by Besancon.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, December 15, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Ekegren, duly seconded and carried, S. B. No. 15 was this day taken from Federal Relations Committee and transferred to Committee on Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, December 15, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That consideration of H. B. No. 1 be passed temporarily.

That H. B. No. 22 be concurred in.

That H. B. No. 25 be amended in Section 1 by inserting after the word "any," in line 6 of the printed bill, the word "destruction," and by placing a comma after said word "destruction."

Further amend in Section 1 by striking out the period after the word "protection" in line 9 of the printed bill, and inserting after said word "protection" the words, "over all property so leased," and by placing a period after said word "leased," and as so amended, recommend said H. B. No. 25 be concurred in.

That Sub. for H. J. M. No. 1 be concurred in.

That H. J. M. No. 2 be concurred in.

That H. B. No. 1 be amended in the title by inserting after the word "section" in line 1 the words and figures, "1760 of the Revised Codes of Montana for 1921 as amended by Section."

Amend in Section 1 by striking out lines 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, page 2, engrossed bill, and lines 21, 22, 23, 24, 25, 26, 27, 28 and 29, pages 1 and 2, printed bill, and inserting in lieu thereof the following:

"Trucks of one (1) ton capacity or under, Five Dollars (\$5.00); trucks over one (1) and up to and including one and one-half (1½) ton capacity, Ten Dollars (\$10.00);

"Trucks over one and one-half (1½) tons and up to and including two (2) tons capacity, Twenty-two Dollars and Fifty Cents (\$22.50);

"Trucks over two (2) tons and less than three (3) tons capacity, Thirty-seven Dollars and Fifty Cents (\$37.50);

"Trucks of three (3) tons and less than five (5) tons capacity, Sixty Dollars (\$60.00);

"Trucks of five (5) tons capacity and over, Two Hundred Dollars (\$200); and as so amended, recommend said H. B. No. 1 be concurred in. Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, December 15, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Finance and Claims: That S. B. No. 11, by Walker, be amended in Section 1, line 33, original bill, by striking out the period after the word "officers," and inserting in lieu thereof a comma, and adding the following: "their deputies or representatives while engaged on official business outside of the state; and in such case, the Board of Examiners may allow such actual expenses as in their judgment are reasonable in amount," and as so amended, recommend said bill do pass, report adopted.

Committee on Banks and Banking: That S. B. No. 17 do pass; that S. B. No. 18 do pass; that S. B. No. 19 do pass. Report adopted.

Committee on Banks and Banking: That S. B. No. 20 do pass. Report adopted.

Committee on Federal Relations: Minority report that S. J. Resolution No. 3 do pass as amended; majority report that resolution do not pass; substitute motion by Simmons that further consideration be indefinitely postponed, adopted.

Committee on Public Morals: That S. B. No. 13, by Church, be reported back without recommendation. On motion of Kaulbach, duly made and adopted, further consideration was indefinitely postponed.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following joint Resolution was introduced, read first and second time and referred to Committee on "Federal Relations."

Senate Joint Resolution No. 2, introduced by Corwin: "A Joint Resolution ratifying an amendment to the Constitution of the United States fixing the commencement of the terms of President, Vice-President and members of Congress and fixing the time of assembling of Congress."

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under rules of the previous sitting.

Rolph in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Substitute for Senate Bill No. 1, Senate Amendments to House Bills No. 1 and No. 22, beg leave to report as follows:

That Printed Senate Substitute for Senate Bill No. 1 be amended as follows: Amend Section 5 by striking out in line 8 and 9, the words "fixed by the governing body, not to exceed six per cent per annum" and inserting in lieu thereof the words "not to exceed the rate borne by the bonds or obligations which are being reissued, said interest to be" and amend Section 8 by striking out in line 3 and 4 the words "more than six per cent per annum" and inserting in lieu thereof the words "at a rate higher than the rate on the bonds or obligations sought to be reissued" and amend Section 11 by adding in line 3, immediately following the word "state," the words "save and except the State of Montana."

That Senate Amendments to House Bill No. 1 be passed for the day.

That Senate Amendments to House Bill No. 22 be concurred in.

ROLPH, Chairman.

On motion of Rolph, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Ralston, duly seconded and carried, that all Senate Amendments to House Bills be typed or mimeographed and placed upon the desks of all members 24 hours before consideration on General Orders.

It was moved by Besancon, duly seconded and carried, that the House recess until 5:00 o'clock.

House resumed. Mr. Speaker in the Chair.

THIRD READING OF SENATE BILLS

Unanimous consent was given by the House to read bills on Third Reading by history and title only.

Senate Substitute for Senate Bill No. 1, introduced by Committee on Counties and Towns, having been read three several times, title and history agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doran, Duffy, Ecton, Findlater, Fitzstephens, Fowler, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Larsen, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, O'Connell, Parker (Flathead), Parker (Broadwater), Pilgeram, Quamme, Ragen, Rearden (Cascade), Replogle, Rolph, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson, (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 77.

Noes: Five.

Absent and not voting: Acher, Bjorneby, Blankenbaker, Cusker, Freed, Freudenstein, Givens, Goodwin, Knowles, Love, Nelstead, Nutting, Porter, Ralston, Reardon (Deer Lodge), Rognlien, Roll, Stevens, White. Total 19.

Mr. Speaker: Seventy-seven have voted "aye"; five have voted "no"; Senate Substitute for Senate Bill No. 1, introduced by Committee on Counties and Towns, has passed the House.

REPORTS OF STANDING COMMITTEES

December 15, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration Substitute for Substitute House Bill No. 13, entitled:

A bill for an Act entitled: "An Act to regulate the operation of certain games of chance; to provide when the operation thereof shall be illegal; to provide for the license fee therefor and the disposition thereof; and to repeal all Acts and parts of Acts in conflict therewith."

Respectfully report as follows: That Substitute for Substitute House Bill No. 13 be reported out without recommendation.

ROGNLIEN, Chairman.

It was moved by Rognlien that report be adopted.

On Substitute motion by Beadle duly seconded and carried.

Substitute House Bill No. 13 was ordered printed and placed on General Orders without recommendation.

December 15, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 46, entitled:

A bill for an Act entitled: "An Act to amend Sections 2 and 28 of Chapter 181 of the Laws of Montana 1933 regulating rate of personal income tax to be paid, and distribution of said tax."

Respectfully report as follows: That House Bill No. 46 be reported out without recommendations.

ROGNLIEN, Chairman.

On motion by Rognlien, duly seconded and carried House Bill No. 46 was ordered printed and placed on General Orders without recommendation.

December 15, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 67, entitled:

A bill for an Act entitled: "An Act to provide emergency relief by authorizing boards of trustees of county high schools in counties where there are district high schools to borrow money and to enter into contracts and arrangements for the repair and construction of buildings and public works, providing for elections and procedure to be followed by county high school districts."

Respectfully report as follows: That House Bill No. 67 do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

It was moved by Grabow, duly seconded, that the House reconsider its action on motion made by O'Connell, asking for expense money, today. Motion was lost.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Saturday, December 16th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

TWENTIETH DAY

House of Representatives,

Helena, Montana, December 16, 1933.

House convened pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Stockdol.

On roll call all members were present, except the following: Abrahamson, Blankenbaker, Duffy, Givens, O'Connell, Trenne, excused; Sullivan, absent.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the Nineteenth Legislative Day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

REPORTS OF STANDING COMMITTEES

December 16, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed: H. B. No. 40, Sub. H. B. No. 14, and H. J. M. No. 4.

ROLPH, Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed: Sub. H. B. 37, H. B. 39.

SOMERVILLE, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Watson of Meagher, duly seconded and carried, that House Bill No. 54 be taken from Committee on State Institutions, Public Buildings and Grounds and given to Committee on Education.

It was moved by Nass, duly seconded and carried, that House Bill No. 41 be taken from General Orders and re-referred to Committee on Revenue and Taxation.

It was moved by Besancon, duly seconded and carried, that House Bill No. 39 be placed on General Orders after Senate Bill No. 7.

The following motion was made by Marshall, duly seconded and carried:

MOTION

WHEREAS, at the close of the Regular session the Legislature believed the budget for the coming biennium had been balanced, by reason of a cut in annual appropriations of approximately \$1,000,000 and by reason of increased revenues from new revenue producing measures passed and;

Extraordinary Ssesion of the General Fund after operation of the state for five months of the present fiscal year shows that \$1,412,000 additional revenue will be required to balance the General Fund as of July 1, 1934;

NOW THEREFORE, I move that the Appropriations Committee be authorized to investigate this condition and set out in a report to the House the reasons and causes of this deficit.

MARSHALL.

THIRD READING OF HOUSE BILLS

It was moved by Besancon, duly seconded and carried, that bills on Third Reading be read by history and title only.

House Bill No. 40, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Ecton, Ferry, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 89.

Noes: None.

Absent and not voting: Abrahamson, Arnold, Blankenbaker, Duffy, Findlater, Givens, Metlen, O'Connell, Rolph, Stevens, Sullivan, Trenne. Total 12.

Mr. Speaker: Eighty-nine have voted "aye," none have voted "no"; House Bill No. 40 has passed the House.

Substitute House Bill No. 14, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Ecton, Ferry, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nelstead, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Setzer, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 84.

Noes: None.

Absent and not voting: Abrahamson, Arnold, Blankenbaker, Duffy, Findlater, Fitzstephens, Givens, Larsen, Metlen, Nass, Nutting, O'Connell, Rolph, Shannon, Stevens (Wheatland), Sullivan, Trenne. Total 17.

Mr. Speaker: Eighty-four have voted "aye," none have voted "no"; Substitute House Bill No. 14 has passed the House.

House Joint Memorial No. 4, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Ecton, Ferry, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Jensen, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer

Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Strange, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 86.

Noes: None.

Absent and not voting: Abrahamson, Arnold, Blankenbaker, Duffy, Findlater, Givens, Larsen, Metlen, O'Connell, Porter, Stevens (Wheatland), Sullivan, Trenne, Stiefel. Total 15.

Mr. Speaker: Eighty-six have voted "aye," none have voted "no"; House Joint Memorial No. 4 has passed the House.

REPORTS OF STANDING COMMITTEES

December 16, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bill correctly enrolled:

House Bill No. 23.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

December 15, 1933.

We hereby certify that we have this day received Enrolled House Bill No. 23, and same has been found to be correct.

NEIL C. PARKER.

December 16, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bill correctly enrolled:

House Bill No. 16.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

December 15, 1933.

We hereby certify that we have this day received Enrolled House Bill No. 16, and same has been found to be correct.

KERR BEADLE,
MULHOLLAND.

Mr. Speaker announced he was about to sign House Bill No. 23, whereupon the Clerk read the title of the bill and the Speaker did sign in the presence of the House.

Mr. Speaker announced he was about to sign House Bill No. 16, whereupon the Clerk read the title of the bill and the Speaker did sign in the presence of the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under rules of the previous sitting.

Groene of Fergus in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: S. B. No. 3, S. B. No. 7, H. B. No. 39, H. B. No. 38, H. B. No. 44, Substitute H. B. No. 37, S. A. to H. B. No. 1, S. J. M. No. 1, beg leave to report as follows:

That Senate Bill No. 3 be passed for the day.

That Senate Bill No. 7 be amended as follows:

Amend engrossed bill by adding a new Section as follows "Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed." And as amended be temporarily passed.

That H. B. No. 39 be passed temporarily.

That the enacting clause be stricken in House Bill No. 38.

That House Bill No. 44 be considered after H. B. No. 39 has been considered.

That Sub. House Bill No. 37 be re-referred to Judiciary Committee.

That Senate Amendments to House Bill No. 1 be temporarily passed.

That Senate Bill No. 7 be amended as follows:

Amend the title of the printed bill in line 2 after the word "assembly" and before the word "of" the following, "as amended by Section 5, Chapter 158 of the Twenty-third Legislative Assembly," and amend in Section 1 of the printed bill by inserting in line 2 after the word "Montana" the words "as amended by Section 5 of Chapter 158 of the Twenty-third Legislative Assembly," and as amended be concurred in.

That S. J. M. No. 1, be concurred in.

GROENE, Chairman.

It was moved by Groene of Fergus, duly seconded, that the report of the Committee of the Whole be adopted.

On substitute motion by Stevens of Wheatland, duly seconded and carried, House Bill No. 38 was segregated from the report of the Committee of the Whole.

Whereupon motion by Groene of Fergus that report of Committee of the Whole be adopted, motion carried.

REPORTS OF STANDING COMMITTEES

December 16, 1933.

Mr. Speaker: We your Committee on Oil and Gas having had under consideration House Bill No. 58, entitled:

"An Act to prohibit and prevent the waste of crude petroleum in the State of Montana; creating an Oil Conservation Board; providing for the appointment of the members of said board, providing the powers, duties and authority of said board and the members thereof; providing for the filing and hearing of complaints concerning waste of crude petroleum, and for oaths, subpoenas and depositions; providing for the co-operation of said board with the government of the United States and department or bureau thereof in the administration and enforcement of the National Industrial Recovery Act and any order, rule, regulation or code, promulgated thereunder in so far as relates to the petroleum industry; providing for the enforcement of the Act and the rules, regulations and orders of the said board and creating a fund for the purposes of said Act and providing for the assessment and collection thereof."

Respectfully report as follows: That House Bill No. 58 be amended as follows:

In line 1 on page 7 the word "with" be amended to read "without", and as amended do pass.

WOODCOCK, Chairman.

On motion of Woodcock report adopted.

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 16, 23 and 3, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 11:10 o'clock A. M., delivered to the Governor for his approval.

MULHOLAND, Vice-President.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the Committee on Irrigation and Water Rights be given permission to use the House Chambers from 1:00 to 2:00 o'clock P. M.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

House recessed until 2:30 to permit Committee on Irrigation and Water Rights to finish hearing.

House resumed. Mr. Speaker in the Chair.

MOTIONS AND RESOLUTIONS

The following motion was made by Haight, duly seconded and carried.

Mr. Speaker: For the information of the House, I move a Committee of three be at this time appointed by the Speaker to audit the payrolls of employees of the House to ascertain and report whether there are more employees thereon than have been authorized by the House.

HAIGHT.

REPORTS OF STANDING COMMITTEES

December 16, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 59:

A bill for an Act entitled: "An Act to amend Section 6112, of the Revised Codes of Montana, 1921, regarding the license fees to be paid by insurance corporations, associations and societies, to provide funds for the support and relief of the needy and for their employment, and for the financing of direct relief or work relief, or both, for a limited period."

Respectfully report as follows: That House Bill No. 59 do not pass.

ROGNLIEN, Chairman.

It was moved by Rognlien, duly seconded, that the report be adopted.

As a substitute motion, it was moved by Beadle, duly seconded and carried, that House Bill No. 59 be printed and placed on General Orders.

Whereupon motion by Rognlien was lost.

December 16, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 50:

A bill for an Act entitled: "An Act to amend Section 2296 of the of the Revised Codes of Montana, as amended by Section 1, Chapter 166, of the Laws of Montana, 1933, and to amend Section 16 of Chapter 166, of the Laws of Montana, 1933, providing a method of arriving at net in-

come allowing certain deductions and exempting certain corporations from said tax; to provide for allocation of income to Montana of business done by corporations both within and without the state; to provide for the necessary enforcement and collection of said tax, and penalties for failure to comply herewith, and granting powers to the State Board of Equalization to make rules and regulations relative thereto."

Respectfully recommend as follows: That House Bill No. 50 do not pass.

ROGNLIEN, Chairman.

It was moved by Rognlien, duly seconded, that the report be adopted.

As a substitute motion it was moved by Beadle, duly seconded, that House Bill No. 50 be printed and placed on General Orders.

Motion was lost.

Whereupon motion by Rognlien was carried.

December 16, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 48.

A bill for an Act entitled: "An Act to amend Section 1, and 16 of Chapter 166 of the Montana Session Laws of 1933 relating to amount of license tax of corporations and providing for the distribution thereof."

Respectfully report as follows: That House Bill No. 48 do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

December 15, 1933.

Mr. Speaker: We, the majority of your Committee on Revenue and Taxation, having had under consideration House Bill No. 53:

A bill for an Act entitled: "An Act to provide for the sale of spirituous and vinous liquors at wholesale by the State of Montana; creating the Montana Liquor Control Board, and providing for the operation thereof; providing for a stamp tax on the issuance of licenses for the retail sale of such liquors in the State of Montana and providing for the distribution of moneys collected hereunder for emergency relief and other purposes."

Respectfully report as follows: That House Bill No. 53 be amended as follows:

That the title of the bill be amended by inserting after the word "purposes," line 9, the following words: "and validating any action of the Montana State Liquor Control Board prior to the passage of this Act."

That Section 12 be amended by striking out, after the word "follow" in line 6, all the words and figures; strike out all of lines 7 and 8 and insert in lieu thereof the following: "Forty per cent (40%) of the net income to the Re-employment Relief Fund; Forty per cent (40%) to the Emergency Relief Fund; Fifteen per cent (15%) to the General Fund of the State of Montana and five per cent (5%) to the Common School Interest and Income Fund."

By inserting a new Section 16 to read as follows: "All Acts of the Montana Liquor Control Board prior to the passage of this Act are hereby validated."

That Section 16 be renumbered Section 17 and Section 17 be renumbered Section 18.

And as amended do pass.

METLEN, Vice-Chairman.

On motion of Metlen, report adopted.

INTRODUCTION OF BILLS AND MEMORIALS AND
SECOND READING OF THE SAME

On motion made by Shannon, duly seconded and carried by a majority the following bill was introduced, read first time and second time and referred to Committee on Appropriations:

House Bill No. 70. Introduced by Appropriations Committee: A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana."

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole under rules of the previous sitting.

Groene of Fergus in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole having had under consideration the following: H. B. No. 38, No. 39, and No. 44, and Senate Amendments to House Bill No. 1, beg leave to report as follows:

That House Bill No. 38 do pass.

That printed House Bill No. 39 be amended as follows: Amend Section 3 by inserting in line 6 after the word "Governor" the following, "Provided that two of these members shall be residents of the Second Congressional District," and amend Section 3 by striking out in line six the period after the word "Governor" and adding the words "by and with the advice and consent of the Senate" and amend in line 47 by adding after the syllable "penses," the words "not exceeding \$4.00 per day" and amend by striking out all of lines 51 and 52, and amend in line seven after the word "Act" by inserting the words "and before the adjournment of the present Legislative Assembly," and amend in line 14 by striking out after the word "appointment" the remainder of line 14, all of line 15 and 16 and the word "qualified" in line 17 and inserting in lieu thereof the words "as hereinabove provided. Succeeding appointments, except when made to fill a vacancy, shall be made on or before the 2nd Monday in January during the biennial session of the Legislative Assembly preceding the commencement of the term for which the appointment is made." and amend by striking out in line 8, 9 and 10, the words "first Monday in January" and inserting in lieu thereof the words "second Monday in January" and amend Section 4 in line 5 of the printed bill by inserting the words "water rights," after the word "rights" and before the word "easements," and amend Section 17 by striking out in line 17 the words "or a declaration of intention refiled" and amend Section 20 in line 2 by inserting after the word "project" the words "creating under this Act" and amend Section 21 in line 24 by inserting after the word "determining" and before "the" the words "whether or not", and as amended do pass.

In House Bill No. 44, the Clerk is authorized to insert in the title after the word bill in line 1 "for an Act entitled: "An Act," and as amended do pass.

That Senate Amendments to House Bill No. 1, be not concurred in, and that a conference committee be appointed.

GROENE, Chairman.

On motion of Groene of Fergus, report adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing beg leave to report the following bills correctly printed:

House Bill No. 30, House Bill No. 42.

SOMERVILLE, Chairman.

Without objection, report adopted.

December 16, 1933.

Mr. Speaker: We, your Committee on Irrigation and Water Rights having had under consideration Senate Bill No. 10:

A bill for an Act entitled: "An Act authorizing and empowering the State Engineer to negotiate compacts with other states regarding interstate waters."

Respectfully report as follows: That Senate Bill No. 10 be amended as follows:

In Section 1 by inserting in line 21 after the words, "until approved by the" the following words: "State Planning Board and the," Be concurred in, as amended.

NUTTING, Chairman.

On motion of Nutting report adopted.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 2:00 o'clock, Sunday, December 17th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

TWENTY-FIRST DAY

House of Representatives,
Helena, Montana, December 17, 1933.

House convened, pursuant to adjournment, at 2:00 o'clock P. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members were present, except the following: Blankenbaker, Duffy, Findlater, Givens, Marshall, O'Connell, Trenne, excused; Ballard, absent.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

Sub. H. B. No. 27, H. B. No. 43, H. B. No. 46, H. J. M. No. 3, H. B. No. 58, Sub. for Sub. H. B. No. 13, H. B. No. 52, H. B. No. 67.

SOMERVILLE, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that messages from the Senate be considered read at length and the Journal so show.

December 16, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Himsl, Senate Bill No. 19 was taken from General File and referred to Committee on Banks and Banking.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 16, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Reed, duly seconded and carried, H. B. No. 25 was taken from Third Reading and referred to General File.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 16, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House bills were this day introduced in the Senate, read first and second time, and referred to committees:

H. B. No. 17, by Committee on State Institutions, Public Buildings and Grounds. Referred to Judiciary Committee.

H. B. No. 29, by McDermott and Reardon of Deer Lodge. Referred to Committee on Counties and Towns.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 16, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Printing: That S. B. No. 17 has been correctly printed. Report adopted.

Committee on Judiciary: That S. B. No. 14 be amended by striking out the preamble, and as amended, recommend said S. B. No. 14 do pass. Report adopted.

Committee on Judiciary: That S. B. No. 8 be amended by inserting after the word "residents" in line 26, engrossed bill, the words, "the right," and as so amended, recommend said S. B. No. 8 do pass. Report adopted.

Committee on Federal Relations: That H. J. R. No. 3 be concurred in. Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 16, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House bills were this day introduced in the Senate, read first and second time, and referred to committees:

H. B. No. 10, by O'Connell. Judiciary.

Sub. H. B. No. 18, by Committee on State Institutions, Public Buildings and Grounds. State Boards and Offices.

H. B. No. 35, by Fitzstephens. Judiciary.

H. J. R. No. 3, by Sullivan, Freudenstein, Mulholland, Beadle, Goodwin, O'Connell, Ferry, Doran, McDermott, Harrington, Doe, Reardon of Deer Lodge, McCarvel and Larsen. Federal Relations.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 16, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 25 be amended in Section 1 by striking out in line 6, printed bill, the amendment adopted in Senate Committee of the Whole, and that H. B. No. 25 be amended in Section 1 by inserting after the word "grounds," in line 11, the following words: "Provided nothing herein shall be construed to prevent County Commissioners to permit schools to use fair grounds for athletic or other public school purposes," and as so amended, recommend said H. B. No. 25 be concurred in.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 16, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Printing: That Senate Bills Nos. 18, 19, 20 and Senate Resolution No. 1 have been correctly printed. Report adopted.

Committee on Irrigation and Water Rights: That S. J. M. No. 5, by Committee on Irrigation and Water Rights, do pass. Report adopted.

Committee on Labor and Capital: That S. B. No. 16 be reported out without recommendation. Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 16, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Thien, duly seconded and carried, the Senate this day concurred in the House amendments to Senate Substitute for S. B. No. 1.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 16, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President Pro Tem of the Senate this day gave notice that he was about to sign and did sign:

H. B. No. 3, by Nutting, Snidow, Fowler, Logan, Abrahamson, Kuhl, O'Shea, Manning, Annin and Pierson.

H. B. No. 16, by Mulholland.

H. B. No. 23, by Parker of Flathead.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 16, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Garber was this day made and adopted:

"I move that the Senate Committee on State Boards and Offices be instructed to investigate the travel activities of state officers and assistants between the State Capitol at Helena, Montana, and the National Capitol at Washington, D. C., between April 1st and December 1st, 1933; the names of officers and assistants, number of trips, the purpose of trips, expenses incurred on state and relief account separately, and report back to the Senate on or before December 20th, 1933."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded and carried, that H. B. No. 39 be considered properly engrossed and placed on Third Reading.

It was moved by Beadle, duly seconded and carried, that Senate Bill No. 3 be taken from General Orders and re-referred to Judiciary Committee.

It was moved by Besancon, duly seconded and carried, that House Bill No. 30 be placed on bottom of list on General Orders.

It was moved by Besancon, duly seconded and carried, that consideration of House Bill No. 43 be passed for the day.

THIRD READING OF SENATE BILLS

With unanimous consent of the House, bills on Third Reading were read by history and title only.

Senate Joint Memorial No. 1, introduced by Reed, having been read three several times, title and history agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Doran, Ecton, Ferry, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Repogle, Rognlien, Roll, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 89.

Noes: None.

Absent and not voting: Ballard, Blankenbaker, Cusker, Duffy, Findlater, Fitzstephens, Givens, Marshall, O'Connell, Parker (Flathead), Rolph, Trenne. Total 12.

The Speaker: Eighty-nine have voted "aye," none have voted "no"; Senate Joint Memorial No. 1 has been concurred in by the House.

Senate Bill No. 7, introduced by Wass, having been read three several times, title and history agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Doran, Ecton, Ferry, Fowler, Freed, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nelstead, Nutting, O'Shea, Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Setzer, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 84.

Noes: Love. Total 1.

Absent and not voting: Ballard, Blankenbaker, Cusker, Duffy, Findlater, Freudenstein, Givens, Marshall, Nass, O'Connell, Fitzstephens, Parker (Flathead), Pierson, Rolph, Shannon, Trenne. Total 16.

The Speaker: Eighty-four have voted "aye," one has voted "no"; Senate Bill No. 7 was concurred in by the House.

THIRD READING OF HOUSE BILLS

With unanimous consent of the House, bills on Third Reading were read by history and title only.

House Bill No. 39, introduced by Committee on Irrigation and Water Rights, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Ecton, Ferry, Fitzstephens, Fowler, Freed, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McElwain, Manning, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Replogle, Rognlien, Roll, Schuster, Setzer, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Ueland, Waite, Watson (Meagher), Ralston, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 82.

Noes: Arnold, Freudenstein, Harrington, Hilger, McDermott, Reardon (Deer Lodge), Rolph, Sullivan. Total 8.

Absent and not voting: Ballard, Blankenbaker, Duffy, Findlater, Givens, Marshall, O'Connell, Parker (Flathead), Shannon, Snidow, Trenne. Total 11.

Mr. Speaker: Eighty-two have voted "aye," 11 have voted "no"; House Bill No. 39 has passed the House.

Senate amendments to House Bill No. 22, introduced by Besancon, having been read three several times, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Daugherty, Doe, Doran, Ecton, Ferry, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, O'Shea, Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 85.

Noes: None.

Absent and not voting: Blankenbaker, Conner, Cusker, Duffy, Findlater, Givens, Manning, Marshall, Nutting, O'Connell, Parker (Flathead), Ralston, Shannon, Sullivan, Trenne, White. Total 16.

Mr. Speaker: Eighty-five have voted "aye," none have voted "no"; Senate amendments to House Bill No. 22 were concurred in by the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under rules of previous sitting.

Pierson in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: H. B. No. 42, Sub. H. B. No. 27, H. J. Memorial No. 3, beg leave to report as follows:

That House Bill No. 42 do pass.

That the enacting clause be stricken from Substitute House Bill No. 27.

That House Joint Memorial No. 3 do pass.

GEORGE W. PIERSON, Chairman.

On motion of Pierson, report adopted.

REPORTS OF STANDING COMMITTEES

December 17, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 64, entitled:

"An Act to amend Chapter 100 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 176 of the Session Laws of 1933, relating to tax deeds, providing the method and procedure to be followed in applying for the tax deed and for the issuance thereof by the County Treasurer; the redemption of said lands from the tax sale; the form of deed to be issued and the title conveyed thereby."

Respectfully report as follows: That House Bill No. 64 do not pass but that Substitute House Bill No. 64, entitled:

"An Act to amend Sections 2 and 5 of Chapter 100 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 176 of the Session Laws of 1933, relating to tax deeds, providing the method and procedure to be followed in applying for the tax deed and for the issuance thereof by the County Treasurer; the redemption of said lands from the tax sale; the form of deed to be issued and the title conveyed thereby."

Do pass.

GROENE, Chairman.

On motion of Groene of Fergus, report adopted.

CONSIDERATION OF GENERAL ORDERS

Without objection, House resolved itself into a Committee of the Whole for consideration of General Orders under rules of previous sitting. Pierson in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following:

S. B. No. 10, H. B. No. 46 and H. B. No. 30, beg leave to report as follows:

That S. B. No. 10 be concurred in.

That House Bill No. 46 be passed for the day.

That Printed House Bill No. 30 be amended as follows: The Clerk is authorized to insert the words "Section 2" in the proper place, and amend Section 1 by striking out in line 19 the word "thereafter" and inserting the word "Thereafter" and striking out in line 38, the first word "and" and amend Section 4 by striking out in line one after the word "chapter" the figures "103" and inserting in lieu thereof the figures "106" and amend Section 5 in line 10 by inserting after the word "license" the word "fee" and amend Section 7 in line 3 by inserting after the word "acquired" the words "by him," and striking out in line 4 the word "package" and inserting in lieu thereof the word "packages" and amend Section 12 in line 11 by inserting after the word "kept" the words "or sold" and amend Section 14 by striking out all of Section 14 and inserting the following: "That a retail license to sell beer shall be issued to any person, firm or corporation who shall be approved by a majority of the Board of County Commissioners of the county where said prospective licensee resides, as a fit and proper person, firm or corporation to sell beer; that such licenses shall be applied for from the County Treasurer in the county where the applicant resides and the fee therefor paid to the County Treasurer of said County" and amend Section 15 by striking out in line 12 after the word "December" the word "of" and inserting in lieu thereof the words "at" and amend by adding a new section and renumbering the subsequent sections accordingly, to read as follows: "Section 16. The fee charged for any license as provided in this Act and issuing after July first shall be one-half of the annual fee." and amend Section 16 by adding at the end of subdivision (a) thereof the following: "Any person whomsoever whether a licensee or not, who shall without the corporate limit of any city or town, permit minors to congregate and sell or give away to said minors beer or other liquors shall be deemed guilty of maintaining a nuisance and shall be subject to all the provisions of this Section." and amend Section 17, by striking out in line 6 the words and figures "fifteen per centum (15%)" and inserting in lieu thereof the words and figures "ten per centum (10%)." And by striking out in line 10 the word "oBard" and inserting in lieu thereof the word "Board" and in line 11, after the words "Montana Beer" insert the word "Act" and in line 20 after the word "counties" strike out the word "to" and insert in lieu thereof the word "of", and amend Section 17, by striking out the period and quota-

tion after the word "population" in line 20 of the printed bill, and adding the following: "this amount to the several counties to be for the use and benefit of the poor funds only of such counties, and used in connection with Federal and other funds for the support and relief of the needy, to provide employment for the unemployed, and in relieving the distress of people who have claims on the aid of society." and amend Section 18 by striking out in line 6 the word "ousiness" and insert in lieu thereof the word "business," and do pass as amended.

PIERSON, Chairman.

On motion of Pierson, report adopted.

REPORTS OF STANDING COMMITTEES

December 17, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 55, entitled:

"An Act to amend Chapter 109 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, relating to the regulation and sale of gasoline and other petroleum products, by adding after Section 19 thereof a new section to be known as Section 19A, providing for the revocation by the Public Service Commission of the license to engage in the business of selling gasoline and other petroleum products issued to any person, firm, partnership, association or corporation and granting the right of appeal where such revocation is ordered."

Respectfully report as follows: That House Bill No. 55 be amended as follows:

By adding at the end of Section 2 thereof the following: Any provision of this Act is not intended to nor shall it be construed as modifying or repealing any of the provisions of Chapter numbered 155 enacted by the Twenty-third Legislative Assembly or amendments, if any, made thereto by this Extraordinary Session.

And as amended do pass.

GROENE, Chairman.

On motion of Groene, report adopted.

December 17, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 55, entitled:

"An Act to amend Chapter 109 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, relating to the regulation and sale of gasoline and other petroleum products, by adding after Section 19 thereof a new section to be known as Section 19A, providing for the revocation by the Public Service Commission of the license to engage in the business of selling gasoline and other petroleum products issued to any person, firm, partnership, association or corporation and granting the right of appeal where such revocation is ordered."

Respectfully report as follows: That House Bill No. 55 be amended as follows:

By adding at the end of Section 2 thereof the following: Any provision of this Act is not intended to nor shall it be construed as modifying or repealing any of the provisions of Chapter numbered 155 enacted by the Twenty-third Legislative Assembly or amendments, if any, made thereto by this Extraordinary Session, and as amended do pass.

GROENE, Chairman.

On motion of Groene of Fergus, report adopted.

December 17, 1933.

Mr. Speaker: We, your Committee on Labor having had under consideration House Bill No. 65, entitled:

A bill for an Act entitled: "An Act to permit all contracts for state, county, municipal and school construction or repair work and maintenance to contain provisions conforming to the 'National Industrial Recovery Act', or other Federal Statutes providing for minimum wages, hours of labor and other restrictions concerning employment designed to reduce unemployment, and declaring an emergency to exist, and repealing all Acts and parts of Acts in conflict herewith."

Respectfully report as follows: That House Bill No. 65, be amended as follows:

Amend Section 2, lines 26 and 27 by striking out after the word "retain" the words and figures "Five Hundred Dollars, (\$500) and inserting in lieu thereof not more than Five Thousand Dollars, (\$5000) and not less than Six Hundred Dollars, (\$600)," also amend Section 2, lines 31 and 32 by striking out the words and figures after the word "lease" the words and figures "Five Hundred Dollars, (\$500)," and inserting in lieu thereof the words and figures "Six Hundred Dollars, (\$600) and not more than Five Thousand Dollars, (\$5000);" also to amend Section 3 by adding a new section as follows: "Any violation of the spirit of the intent of the foregoing provisions shall render the contractor ineligible to bid upon any further work involving the use of "National Recovery Funds" in the State of Montana," and re-number subsequent sections accordingly, and as amended do pass.

BEADLE, Chairman.

On motion of Beadle, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the Engrossing Committee be authorized to correct all spelling, typographical errors in House Bill No. 30.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock Monday, December 18th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

TWENTY-SECOND DAY

House of Representatives,
Helena, Montana, December 18, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members were present, except the following:

Balgord, Blankenbaker, Duffy, Givens, O'Connell, Snidow, Trenne, excused. Sullivan absent.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the twentieth legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

MARSHALL.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

The following motion, duly seconded, was made by Pierson:

Mr. Speaker: I move that the House reconsider its action yesterday in approving report of the Committee of the Whole on Substitute Bill No. 27, and that such bill be recalled and placed at the foot of General Orders.

PIERSON.

It was moved by Groene of Fergus, duly seconded and carried, that there be a call of the House. The following members were excused: Balgord, Blankenbaker, Duffy, Givens, O'Connell, Snidow, Trenne; and absent Sullivan.

It was moved by Besancon, duly seconded and carried, that further call of the House be dispensed.

As a substitute motion to motion of Pierson, it was moved by Watson of Meagher, duly seconded and carried, that consideration of motion by Pierson be postponed indefinitely. Whereupon, motion by Pierson was lost.

The following motion, duly seconded and carried, was made by Ralston:

Mr. Speaker: Whereas, I have received definite information that the Banking Department of this state seems to have been conducted in a manner which to say the least is most irregular, and whereas, certain, incontrovertible data has been placed before me that would tend to indicate that several state banks now defunct, or in the hands of receivership have had their residue or resources misappropriated and misused, and, whereas, Acts relating to said banks have recently passed the Assembly wherein it might be possible that resultant abuses might occur, and whereas the State Bank Examiner has deemed it fit to make trips to the State of Utah, presumably at the expense of the state, to investigate the affairs of the Building and Loan Association with which the State of Montana has nothing to do, therefor, Mr. Speaker: I move that in view of the foregoing, a committee of five shall be appointed by the Speaker to make a general examination of the State Banking Department, and that they be given exemplary powers to investigate all these matters.

RALSTON of Glacier.

It was moved by Love, duly seconded and carried, that House Bill No. 28 be returned from the Committee on Revenue and Taxation, printed and placed on General Orders.

It was moved by Love, duly seconded and carried, that House Bill No. 12 be returned from the Committee on Revenue and Taxation, printed and placed on General Orders.

It was moved by Rognlien, duly seconded and carried, that the House Committee on Rules be requested to confer with the like Senate Committee with the view of revising the joint rules to permit an additional 48 hours to transmit bills from one house to the other.

It was moved by Fowler, duly seconded and carried, that the Committee on Revenue and Taxation report on House Bill No. 51 not later than 2 o'clock.

It was moved by Besancon, duly seconded and carried, that the Committee on Revenue and Taxation report on House Bill No. 57 not later than 2 o'clock.

It was moved by Groene of Fergus, duly seconded, that all house bills in all committees which have any reference to revenue measures be taken from committees and placed on General Orders. Motion was lost.

REPORTS OF STANDING COMMITTEES

December 18, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 63, entitled:

"A bill for an Act entitled: "An Act relating to the sale of cigarettes, and cigarette papers and wrappers and papers used and prepared for the making of cigarettes and imposing taxes thereon, and the levy, assessment, collection, payment and distribution of a tax thereon; providing for issuing licenses for the privilege of engaging in the business of the sale thereof and providing for the levy, assessment, collection, payment, and distribution of a tax for the privilege of engaging in such business; providing for the regulation of the sales thereof, the enforcement of such tax and license, and penalty for violation of this Act; defining the duties of state and county officials and designating the funds into which the proceeds derived from such licenses shall be paid."

Respectfully report as follows:

That House Bill No. 63 be amended as follows:

Amend in Section 1, line 1, by striking out the words and figures "July, 1933," and inserting in lieu thereof the words and figures "February, 1934."

Amend in line 6, Section 1, by striking out "30th day of June," and inserting in lieu thereof "31st day of December."

Amend Section 4, line 12, by inserting after the word "to" the words "fail to" and before the word "affix."

Amend Section 6, line 2, by striking out after the word "section," the figure "8" and inserting in lieu thereof the figure "7."

Amend Section 15 to read as follows: "The revenues collected under the provisions of this Act shall be distributed and deposited by the State Treasurer as follows: Forty (40%) per cent thereof shall be distributed to the Emergency Relief Fund; Forty (40) per cent thereof shall be distributed to the Unemployment Relief Fund; Fifteen (15) per cent thereof shall be distributed to the General Fund of the state; and Five (5) per cent thereof shall be distributed to the Common School Interest and Income Fund."

Amend Section 18 by inserting in line 2 after the word "first" the figures "1934."

Amend Section 2, line 3, by striking out "\$5.00" and inserting in lieu thereof "\$1.00," and as amended do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 41, entitled: A bill for an Act entitled: "An Act to amend Sections 5, 7, 8 and 10 of Chapter 155, Laws of the Twenty-third Legislative Assembly, relating to license fees for opening, establishing, operating or maintaining one or more stores," respectfully report as follows: That House Bill No. 41 be amended as follows:

By striking out the period after the word "Act," line 17, Section 1 of the printed bill, and inserting a comma and the following words: "provided that the members of any group, association or consumer co-operatives composed of independent units owning their own business and grouped or associated together by agreement or otherwise for the purpose of pur-

chasing or selling merchandise or service for the mutual benefit of the members shall not be included in the basis for computing the license fee to be paid by such person, firm, corporation, association or co-partnership or by such wholesaler or retailer under the provisions of this Act, but members may be taxed individually."

Amend Section 2 by striking out the period after the word "management" at the end of line 8 and inserting a comma, and the words: "excepting, however, the members of any group, association or consumer co-operatives composed of independent units owning their own business and grouped or associated together by agreement or otherwise for the purpose of purchasing or selling merchandise or service for the mutual benefit of the members."

Amend Section 3 by striking out the period and quotes after the word "wholesale" in line 11 and inserting a comma and the words: "provided that members of any group, association or consumer co-operatives composed of independent units owning their own business and grouped or associated together by agreement or otherwise for the purpose of purchasing or selling merchandise or service for the mutual benefit of the members shall not be grouped under the provisions of this section for the purpose of computing the license fee provided in this Act."

Amend Section 1, line 12, by inserting after the word "kind," a comma and the word "price."

Amend Section 3, line 4 of the printed bill by inserting after the word "establishments," the following words: "except stores operated by public utility companies, doing a gross business of less than \$5,000 per year, for the sale of equipment to be used in the consumption of their product."

Amend Section 4 of the printed bill by striking out after the word "funds" in line 8, remainder of line 8 of the word "society" in line 15, and insert the following: "The revenues collected under the provisions of this Act shall be distributed and deposited by the State Treasurer as follows: Forty (40) per cent thereof shall be distributed to the Emergency Relief Fund; Forty (40) per cent thereof shall be distributed to the Unemployment Relief Fund; Fifteen (15) per cent thereof shall be distributed to the General Fund of the state; and Five (5) per cent thereof shall be distributed to the Common School Interest and Income Fund," and as so amended be reprinted and recommend that the bill do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

The Speaker designated Breitenstein of Hill, Sparling of Sheridan and Beadle of Silver Bow to act as Conference Committee on Senate Amendments to House Bill No. 1.

THIRD READING OF SENATE BILLS

Unanimous consent was given by the House to read bills on Third Reading by history and title only.

Senate Bill No. 10, introduced by Committee on Irrigation and Water Rights, having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doran, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall,

Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Shannon, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 85.

Noes: Metlen. Total 1.

Absent and not voting: Balgord, Blankenbaker, Cusker, Doe, Duffy, Freudenstein, Givens, Larsen, O'Connell, Pierson, Reardon (Deer Lodge), Snidow, Spangler, Trenne. Total 14.

The following passed their vote: Woodcock. Total 1.

Mr. Speaker: Eighty-five have voted "aye," one has voted "no"; Senate Bill No. 10 was concurred in by the House.

REPORTS OF STANDING COMMITTEES

December 18, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. B. No. 38 and H. B. No. 44.

ROLPH, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Rognlien, duly seconded and carried, that House Bill No. 30 be returned from Engrossing Committee and re-referred to Committee on Revenue and Taxation.

It was moved by Besancon, duly seconded and carried, that consideration of General Orders be passed until afternoon.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:30 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

Mr. Speaker announced that he was about to sign Senate Substitute for Senate Bill No. 1, whereupon the Clerk read the title of the bill and the Speaker did sign in the presence of the House.

REPORTS OF STANDING COMMITTEES

December 18, 1933.

Mr. Speaker: We, your Committee on Labor, having had under consideration House Bill No. 20, entitled: A bill for an Act entitled: "An Act prescribing the operating hours of retail stores and wholesale warehouses; defining the terms used therein; classifying grocery, cigar and candy stores, stating the exemptions from the provisions of the Act providing for a violation thereof," respectfully report as follows: That House Bill No. 20, recommend that same do pass.

BEADLE, Chairman.

On motion of Beadle, report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 54, entitled: A bill for an Act entitled: "An Act to authorize the erection of buildings for the Greater University of

Montana at Lewistown; to authorize the borrowing of money for the construction of said buildings, to create a fund out of which the principal of and the interest upon the money so borrowed may be paid, and to provide that the money so borrowed shall not be and never shall become a charge against the State of Montana; to authorize the State Board of Education to move, sell or dismantle any and all buildings now occupied or used by the units of said University; limiting the amount of indebtedness to be incurred not to exceed Two and One-half Millions of Dollars," respectfully report as follows: That House Bill No. 54 be ordered printed and placed on General Orders without recommendation.

FREED, Chairman.

On motion of Freed, report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. J. M. No. 3.

ROLPH, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

December 18, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

Under a decision by the Montana Supreme Court, rendered only a few days ago, it will be necessary to close public schools in a number of districts in this state unless certain remedial legislation is passed at this time. Such legislation will affect only such districts as are indebted up to or beyond the constitutional limitation.

A statute exists which permits cities and towns to operate on a cash basis under such conditions, and it is desirable, if certain of our schools are to be saved from a calamity, that similar legislation be enacted for the benefit of districts in the condition set forth.

I therefore recommend that this Extraordinary Session of the Legislative Assembly consider and enact such legislation as will extend this privilege to the school districts affected.

F. H. COONEY, Governor.

REPORTS OF STANDING COMMITTEES

December 17, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 57, entitled:

A bill for an Act entitled: "An Act to provide a privilege license tax on all persons, associations, or corporations owning or operating a telephone or telegraph business in this state."

Respectfully report as follows: That House Bill No. 57 be amended as follows:

Amend title by striking out the word "privilege" in line 5.

Amend Section 1 by striking out all of lines 14 and 15 and inserting the following in lieu thereof: "Derived from the transmission of telegraph and telephone messages and conversations in this state, over telegraph or telephone lines in this state owned by any person, association or corporations."

Amend Section 2 by striking out of line 20 the words "render a true statement to the State Board of" and striking out all of lines 21 to 24 inclusive, and inserting in lieu thereof the following: "file with the State Board of Equalization, under oath, a statement in such form as the State Board of Equalization may require and prescribe, showing the total gross income of such person, association or corporation derived from the transmission of telegraph or telephone messages originating and terminating within this state, but excluding therefrom the gross income derived from the transmission of telegraph or telephone messages passing through this state but both originating and terminating outside of this state and from those originating outside of, but terminating within this state and from those originating within but terminating outside of this state."

Insert a new section to be numbered "Section 10," to read as follows:

"Section 10. The provisions of this Act shall not apply to mutual telegraph or telephone lines not owned or operated for private or corporate profit."

Re-number present Sections 10 and 11 so they will appear as Sections 11 and 12.

Amend Section 9 by adding to line 23 the following: "Whenever the Governor shall, by proclamation, declare that the necessity for such Emergency Relief Fund no longer exists, the moneys derived from the payment of license taxes under this Act shall be deposited by the State Treasurer to the credit of the general fund of the state."

Strike out the word "privilege" wherever it occurs in the bill.

And as amended, be reported out without recommendations, printed and placed on General Orders.

ROGNLIEN, Chairman.

Revenue and Taxation Committee.

On motion Nelstead report adopted.

December 17, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 51, entitled:

A bill for an Act entitled: "An Act amending Section 1 and Section 4, of Chapter 174, of the Session Laws of 1933, requiring every person, firm, co-partnership, association, joint stock company, syndicate and corporation engaged in or carrying on the business of constructing, maintaining and operating telephone lines and telephone instruments within the State of Montana to pay license taxes and providing penalties."

Respectfully report as follows: That House Bill No. 51 be amended as follows:

By striking out in the title in line 4 the word "constructing."

That Section 1 be amended by striking out all of the section after the word "business" in line 20, and inserting in lieu thereof the following: "A license tax of Three Dollars (\$3.00) for each such instrument. No bill, statement or account rendered or given any customer by any telephone company shall set out or contain, as a separate item, any amount on account or by reason of the license tax imposed by this Act. Every person, firm, co-partnership, association, joint stock company, syndicate or any corporation effected by the provisions of this Act shall be permitted to claim as exempt from the tax imposed by this Act any telephone instrument where the rate charged the customer therefor does not exceed Two Dollars (\$2.00) per month for residence phone, or Three Dollars (\$3.00)

per month for business house or office phone. Provided further that the provisions of this Act shall not apply to mutual telephone companies or lines not organized or used or operated for private or corporate gain."

And as so amended, be reported out without recommendations, printed and placed on General Orders.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration House Bill No. 61 entitled:

"An Act requiring licenses for the operation, maintenance, opening or establishment of banks and limiting of the legal rate of interest thereof, prescribing licenses and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Board of Equalization in connection therewith, and prescribing penalties for the violation thereof."

Respectfully report as follows: That House Bill No. 61. Do not pass.

MILLER of Lincoln, Chairman.

It was moved by Miller of Lincoln, duly seconded, that report be adopted.

On substitute motion by Pilgeram, duly seconded and carried it was moved that House Bill No. 61 be printed and placed on General Orders.

December 18, 1933.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 32, entitled:

A bill for an Act entitled: "An Act directing the State Board of Examiners, the State Auditor and the State Treasurer to transfer certain sums from and to certain accounts in the funds appropriated for the Veterans' Welfare Commission for the biennium ending June 30, 1935, for the purpose of enabling said commission to maintain its efficiency and to properly handle the claims of disabled ex-service men for compensation under Acts of Congress."

Respectfully report as follows: That House Bill No. 32. Do pass.

SHANNON, Chairman.

On motion of Shannon report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 70, entitled:

A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana."

Respectfully report as follows: That House Bill No. 70. Do pass.

SHANNON, Chairman.

On motion of Shannon report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 69, entitled:

A bill for an Act entitled: "An Act to refund to beer licensees on Indian reservations where licensees are prohibited from operating by reason of regulations of the Federal Government, and providing an appropriation therefor."

Respectfully report as follows: That House Bill No. 69.

Be printed and placed on general orders without recommendation.

SHANNON, Chairman.

On motion of Shannon report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

Substitute for House Joint Memorial No. 1.

House Joint Memorial No. 2.

MULHOLLAND, Vice-Chairman.

Without objection report adopted.

December 18, 1933.

We hereby certify that we have this day received Enrolled House Joint Memorial No. 2, and same has been found to be correct.

WATSON of Meagher.

December 18, 1933.

We hereby certify that we have this day received Enrolled House Substitute Joint Memorial No. 1, and same has been found to be correct.

WOODCOCK,
CUSKER.

Mr. Speaker announced he was about to sign House Joint Memorial 2, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

Mr. Speaker announced he was about to sign Substitute House Joint Memorial No. 1, whereupon the Clerk read the title of same and the Speaker did sign in the presence of the House.

THIRD READING OF HOUSE BILLS

Unanimous consent was given by the House to read bills on Third Reading by history and title only.

House Bill No. 38 introduced by Stevens of Wheatland and Miller of Big Horn, having been read three several times, history and title agreed to was passed by the following vote:

Ayes: Abrahamson, Acher, Arnold, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Campbell, Chapman, Conner, Daugherty, Doe, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Green (Dawson), Groene (Fergus), Hagerty, Harlen, Knowles, Kruse, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Moss, Mulholland, Nass, Nelstead, Nutting, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Schuster, Shannon, Spangler, Stevens (Wheatland), Stiefel, Strange, Waite, Watson (Meagher) Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 65.

Noes: Anderson, Annin, Byrne, Cusker, Grabow, Haight, Harrington, Hilger, Holecek, Jensen, Kuhl, Miller (Lincoln), O'Shea, Pierson, Ragen, Rognlien, Rolph, Setzer, Somerville, Sparling, Stephens (McCone), Ueland. Total 23.

Absent and not voting: Balgord, Blankenbaker, Doran, Duffy, Givens, Larsen, Love, Metlen, O'Connell, Replogle, Roll, Snidow, Sullivan, Trenne. Total 14.

Mr. Speaker: Sixty-five have voted "aye"; twenty-two have voted "no"; House Bill No. 38 has passed the House.

House Bill No. 44 introduced by Committee on Irrigation and Water Rights, having been read three several times, history and title agreed to was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Ecton, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Harrington, Holecek, Jensen, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Pierson, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Roll, Rolph, Schuster, Setzer, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 87.

Noes: Hilger. Total 1.

Absent and not voting: Balgord, Blankenbaker, Duffy, Ferry, Givens, Groene (Fergus), Larsen, Love, O'Connell, Replogle, Shannon, Snidow, Trenne. Total 13.

Mr. Speaker: Eighty-seven have voted "aye"; one has voted "no"; House Bill No. 44 has passed the House.

House Joint Memorial No. 3, introduced by O'Connell, Freudenstein and Beadle, having been read three several times, history and title agreed to was passed by the following vote:

Ayes: Abrahamson, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Roll, Rolph, Schuster, Setzer, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Sullivan, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 85.

Noes: None.

Absent and not voting: Acher, Balgord, Blankenbaker, Doran, Duffy, Givens, Jensen, Larsen, Love, O'Connell, Replogle, Rognlien, Snidow, Strange, Trenne. Total 15.

Passed: Cusker.

Mr. Speaker: Eighty-five have voted "aye"; none have voted "no"; House Joint Memorial No. 3, has passed the House.

REPORTS OF STANDING COMMITTEES

December 18, 1933.

Mr. Speaker: We your Committee on Enrolling, beg leave to report the following bills correctly enrolled:

H. B. No. 22.

MULHOLLAND, Vice-Chairman.

Without objection report adopted.

December 18, 1933.

We hereby certify that we have this day received Enrolled House Bill No. 22, and same has been found to be correct.

BESANCON.

Mr. Speaker announced he was about to sign House Bill No. 22, whereupon the Clerk read the title of the same, and the Speaker did sign in the presence of the House.

REPORTS OF STANDING COMMITTEES

December 18, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 47, entitled:

A bill for an Act entitled: "An Act to amend Section 2435 of the Revised Codes of Montana, 1921, relating to license taxes on vendors of oleomargarine, vendors of cigarettes, and railway warehouses; and to provide for a license tax upon the business of selling cigarettes, cigarette paper, or the material used in the making of cigarettes, except tobacco."

Respectfully report as follows: That House Bill No. 47 do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 28, entitled:

A bill for an Act entitled: "An Act to amend Section 2 of Chapter 180 of the Session Laws of the Twenty-third Legislative Assembly 1933, relating to certain license fees fixing the amount of such license fees and prescribing a method for the assessment thereof."

Respectfully report as follows: That House Bill No. 28, be printed and placed on General Orders.

ROGNLIEN, Chairman.

On motion of Rognlien report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 12, entitled:

A bill for an Act entitled: "An Act levying a license tax on electricity and electrical energy, generated, manufactured or produced in the State of Montana, for barter, sale or exchange and providing for the collection of such taxes and prescribing penalties for the violation of this Act."

Respectfully report as follows: That House Bill No. 12, be printed and placed on General Orders.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 56, entitled:

A bill for an Act entitled: "An Act relating to the imposition of a tax on the sale of gasoline; the collection and disposition thereof; and prescribing penalties for the violation of such Act."

Respectfully report as follows: That House Bill No. 56, be amended as follows:

Amend Section 2 by adding in line 1 immediately following the word "provided" the words "shall be in addition to the gasoline license tax now provided by law and"

Change the figures "178" in line 5, same section and insert in lieu thereof the figures "19",

Change the figures "1929" in line 6, same section and insert in lieu thereof the figures "1927."

Strike out all of lines 7, 8, 9, in Section 2 and add the following: "All revenue accruing hereunder shall be distributed by the State Treasurer and deposited as follows: Forty (40) per cent thereof shall be deposited to the Emergency Relief Fund; Forty (40) per cent thereof shall be deposited to the Unemployment Relief Fund; Fifteen (15) per cent thereof shall be deposited to the General Fund of the state; and Five (5) per cent thereof shall be deposited to the Common School Interest and Income Fund."

And as amended, recommend that the bill do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 60, entitled:

A bill for an Act entitled: "An Act requiring all persons, co-partnerships, firms, associations, joint stock companies, syndicates and corporations engaged in, or carrying on, the business in this state of contracting, or who shall enter into construction or improvement contracts, to pay to the State Board of Equalization certain license taxes for engaging in, carrying on, and entering into such business in this state; fixing the amount of such license taxes; providing a method for the assessment, collection and disposition thereof; and providing penalties for the violation of this Act."

Respectfully report as follows: That House Bill No. 60, be reported out without recommendation, printed and placed on General Orders.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 66, entitled:

A bill for an Act entitled: "An Act defining 'cosmetics and kindred products'; and imposing certain license fees and taxes on the sale of 'cosmetics and kindred products' and fixing certain fees on the business of handling, receiving, selling, offering for sale, and dealing in through sale, barter, or exchange of 'cosmetics and kindred products' by any person, firm, association, joint stock company, syndicate, or corporation in this state, and to provide methods and penalties for the enforcement of the aforesaid tax and penalties and to appropriate and apportion the revenue derived from this tax to certain funds of the State of Montana, and repealing all Acts and parts of Acts in conflict herewith."

Respectfully report as follows: That House Bill No. 66, do not pass.

But that Substitute House Bill No. 66 entitled:

A bill for an Act entitled: "An Act defining 'cosmetics and kindred products'; providing a license to engage in the business of selling the same; provided a license tax on the retail price of such cosmetics or kindred products sold or given away; providing for the payment and distribution of such license fee and license tax and providing for the regulation of the sales thereof, the enforcement of such tax and license, and penalty for violation of this Act; and defining the duties of state and county officials." Do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bill No. 59.

SOMERVILLE, Chairman.

Without objection, report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Employment, submit the following report for your consideration.

The action of this committee in replacing Miss Crest by Miss Lingshire be approved.

That Rose Wayman be appointed by the House as secretary to B. C. White. Action approved by caucus and Employment Committee.

That the names of H. A. Gray and Ed Harris be approved by the House and placed on the Journal, as through error their names were omitted from list perviously submitted.

That Mrs. Minnie Lyons be hired December 19 to replace Donald Thomson, who resigned.

A printed list of the employees will be placed on the desks of the members very shortly.

A. T. PORTER, Chairman.

On motion of Porter, report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Employment. Request that Miss Edna Barker be employed as stenographer in the engrossing room. This action is taken at the request of the chairman of the engrossing committee.

A. T. PORTER, Chairman.

On motion of Porter report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration House Bill No. 45, entitled:

A bill for an Act entitled: "An Act to amend Section 13 of Chapter 65 of the Laws of Montana, 1923, as amended by Section 2 of Chapter 141 of the Laws of Montana, 1927, relating to the appointment of special appraisers of estates."

Respectfully report as follows: That House Bill No. 45, do not pass.

D. W. CHAPMAN, Vice-Chairman.

On motion of Chapman, report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Agriculture, having had under consideration Senate Joint Memorial No. 4, entitled:

A Memorial to the President of the United States relating to the administration of Federal Farm Loans by the Federal Land Bank located at Spokane, Washington and other agencies in relation to loans upon farms within the State of Montana.

Respectfully report as follows: That Senate Joint Memorial No. 4 be concurred in.

D. W. CHAPMAN, Vice-Chairman.

On motion of Chapman, report adopted.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

On motion of Shannon, duly seconded and carried, by a majority vote, the following motion of Shannon, duly seconded and carried, by a majority vote, the following bill was introduced, read first and second time at length and referred to Committee on Appropriations.

House Bill No. 71, introduced by Committee on Appropriations: A bill for an Act entitled: "An Act appropriating money for the purchase of materials, equipment and supplies to be used in connection with the repairs and alterations to the state capitol buildings and grounds, and architects fees in connection therewith."

It was moved by Besancon, duly seconded and carried, that the House recess until 5:30 o'clock.

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed.

House Bills Nos. 48, 55, 53, 64.

SOMERVILLE, Chairman.

Without objection report adopted.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the Twenty-first Legislative Day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

MARSHALL.

Without objection report adopted.

December 18, 1933.

Mr. Speaker: We, your Committee on Rules having had under consideration, motion by Rognlien relative to amendment to Joint Rule No. 23.

Respectfully report as follows: That by and with the approval of the Senate Joint Rule No. 23, for the duration of this Extraordinary Session only, be amended to read as follows:

"Joint Rule No. 23. Transmission of bills. No bills transmitted by the House to the Senate or by the Senate to the House after 11:59 p. m., of the 25th day of this Extraordinary Session, shall be considered, with the exception of bills considered by a Joint Conference Committee. Bills from Conference Committees may be transmitted at any time up to and including the last day of this Extraordinary Session."

"Joint Rule No. 19, however, shall be in full force and applicable as to Rule No. 24."

And that as so amended we recommend that such Rule No. 23 for this Extraordinary Session only, be adopted by the House and the same do pass.

BESANCON, Chairman.

On motion of Besancon report adopted.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, under rules of the previous sitting.

Nelstead in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following:

House Bill No. 46, House Bill No. 52 and House Bill No. 58, beg leave to report as follows:

That House Bill No. 46 do pass.

That consideration of House Bill No. 52 be passed for the day.

That House Bill No. 58 do pass, and committee begs leave to sit again.

NELSTEAD, Chairman.

On motion of Nelstead, report adopted.

Nelstead in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following:

Substitute for Substitute House Bill No. 13.

That printed Substitute for Substitute House Bill No. 13 be amended as follows: Amend Section 3, Subdivision (a) by adding after the words, "Seven and one half," and before the words "Twenty-five (25.00)" the following: "Hohey, ten and one half, two ball stud and draw, red dog, big Indian and Swede bank," and amend Section Three by striking out in line 33 and 34 the words: "Twenty-five Dollars (\$25.00) per each and every such pool." and inserting in lieu thereof the words "Ten Dollars (\$10.00) on stake or pot of from \$300.00 to \$500.00; Fifteen Dollars (\$15.00) on stake or pot from \$501.00 to \$750.00; Twenty Dollars (\$20.00) on stake or pot of from \$751.00 to \$1,000.00; Twenty-five Dollars (\$25.00) on stake or pot from \$1,001.00 and over"; and amend Section 12 after the figure

12 in line 1, by striking all of the line and all of lines 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 and substitute the following: "All revenue accruing hereunder shall be distributed by the State Treasurer and deposited as follows: Forty per cent (40) thereof shall be deposited to the Emergency Relief Fund; Forty per cent (40) thereof be deposited to the Unemployment Relief Fund; Fifteen per cent (15) thereof shall be deposited to the General Fund of the state, and Five per cent (5) shall be deposited to the Common School Interest and Income Fund." and amend Section 15 by striking out entire section and inserting in lieu thereof the words "Section 15. This Act shall be in full force and effect from and after its passage and approval." And amend Section 12 by striking out in line 19 the word "quarterly" and inserting in lieu thereof the word "monthly" and as amended do pass.

NELSTEAD, Chairman.

On motion of Nelstead, report adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 22, House Joint Memorial No. 1, House Joint Memorial No. 2, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 4:10 P. M. delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that messages from the Senate be considered read at length and the Journal so show.

December 18, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President of the Senate this day, on motion of Senator Kane, appointed the following Senators to act with a like committee from the House for the consideration of Senate amendments to House Bill No. 1.

Senators Husband, Larson and Danielsen.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 18, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced in the Senate, read first and second time, and referred to committees:

H. B. No. 40, by Moss. Referred to Judiciary Committee.

Sub. H. B. No. 14, by Committee on Townships and Counties. Referred to Committee on Counties and Towns.

H. J. M. No. 4, by Daugherty and others. Referred to Committee on Agriculture.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 18, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Kane, duly seconded and carried, the Committee on Rules of the Senate is instructed to confer with the Committee on Rules of the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 18, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Rules: That motion relative to amendment to Joint Rule No. 23, by and with the approval of the House, Joint Rule No. 23, for the duration of this Extraordinary Session only, be amended to read as follows:

"Joint Rule No. 23. Transmission of Bills. No bills transmitted by the House to the Senate or by the Senate to the House after 11:59 P. M., of the 25th day of this Extraordinary Session, shall be considered, with exception of bills considered by a Joint Conference Committee. Bills from Conference Committees may be transmitted at any time up to and including the last day of this Extraordinary Session.

"Joint Rule No. 19, however, shall be in full force and applicable as to Rule No. 24."

And as so amended, said Rule No. 23 for this Extraordinary Session only, be adopted by the Senate and the same do pass, report adopted.

Committee on Education: That S. B. No. 21 do pass, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 18, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day signed in open Session Senate Substitute for S. B. No. 1.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 18, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day gave notice that he was about to sign, and did sign:

Sub. H. J. M. No. 1, by Woodcock and Cusker.

Sub. H. J. M. No. 2, by Watson of Meagher.

Sub. H. B. No. 22, by Besancon.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 18, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Judiciary: That H. B. No. 9 be amended as per attached, and as amended, be concurred in, report adopted.

Committee on Judiciary: That H. B. No. 26 be concurred in, report adopted.

Committee on Banks and Banking: That S. B. No. 19 do not pass but that Senate Substitute for S. B. No. 19 do pass, report adopted.

Senate Sub. for S. B. No. 19. A bill for an Act entitled:

"An Act providing for the amendment of the articles of incorporation or agreement of any commercial bank, savings bank, trust company or investment company, by providing for the issuance of preferred stock, authorizing any such bank or company hereafter formed to provide in its articles for the issuance of such stock; providing the terms and conditions upon which such stock may be issued and sold, and repealing all Acts and parts of Acts in conflict herewith."

Committee on Printing: That Senate Bills Nos. 14, 16, 11, and S. J. M. No. 5 have been correctly printed, report adopted.

Committee on Enrolled Bills: That Sub. for S. B. No. 1 has been correctly enrolled and duly verified, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 18, 1933.

Mr. President: We, your Committee on Judiciary, having had under consideration H. B. No. 9, recommended same be amended as follows:

Amend title by adding after the word "erection" in the first line, the word "furnishing", and by striking out the quotation marks after the word "Act" in the last line and adding the words "or otherwise." Said title will then read as follows:

A bill for an Act entitled: "An Act to permit the erection, furnishing and operation of students' union buildings at the State Educational Institutions of the State of Montana and to authorize the financing thereof in conformity with the National Industrial Recovery Act or otherwise."

Amend the printed bill by striking out paragraph (c) of Section 3 and substituting the following in lieu thereof:

" (c) To issue and sell such bonds or other evidences of indebtedness as may be necessary in order to borrow money for the purposes set out in this Act. All of the rents, revenues and income from any of the said students' union buildings together with students' union building fees shall be set aside by the State Board of Education in the custody of the State Treasurer and impounded and held in a fund to be known as the Students' Union Building Fund and to be used solely for the purpose of payment of principal and interest upon any indebtedness created for the erection and furnishing any students' union building as provided for in this Act; provided however, that each students' union building erected and/or furnished under the provisions of this Act at any of the various institutions of the University of Montana shall be considered as a unit and the rents and in-

come for such students' union building and student fees at one institution shall not be mingled with those from any such building at any other institution, and shall not be used to discharge obligations created for any such building at any other institution; provided, further, that whenever the Students' Union Building Fund in any institution shall have accumulated a surplus of rents, revenues, fees and income equal to three times the amount of the annual charges for principal and interest on any indebtedness then outstanding, any surplus over and above such accumulation may be reverted in the discretion of the State Board of Education to the student fund at such institution. Any bonds or other evidences of indebtedness issued under the provisions of the Act shall be issued in the name of the State Board of Education of the State of Montana and shall provide for pledging of students' union building fees together with all of the rents, revenue and income derived from the operation of any such students' union building; provided that the rate of interest upon any such bonds or certificates of indebtedness shall not be in excess of 5% per annum, and in the event of a loan from the United States the rate of interest shall not exceed that required by the National Industrial Recovery Act. Such bonds or other evidences of indebtedness and the interest coupons thereon shall be in such form and denomination and payable in such manner as may be prescribed by the State Board of Education, and shall be signed by the President and Secretary of said board and shall bear the Great Seal of the State of Montana. None of said bonds or evidences of indebtedness shall be sold or disposed of by the State Board of Education at less than their par value and accrued interest."

And as so amended, recommend the same be concurred in.

(Signed) CAMPBELL, Chairman.

Helena, Montana,
December 18, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That S. B. No. 8 do pass.

That S. B. No. 17 do pass.

That S. B. No. 18 be amended in title by striking out the entire title and inserting in lieu thereof:

A bill for an Act entitled: "An Act to repeal that certain law relating to the authorizing of commercial banks, saving banks, trust companies, and investment companies to issue non-assessable preferred stock without liability on the holder other than to pay the original subscription price, and to borrow money for capital purposes, and to obtain the consent of the stockholders to amend the articles of incorporation for such purposes, which said law is contained in Senate Bill No. 4 of the Extraordinary Session of the Twenty-third Legislative Assembly."

And as so amended, recommend said S. B. No. 18 do pass.

That S. B. No. 20 be amended by striking from line 8 of Section 1, printed bill, the second word "of" and inserting in lieu thereof the word "in". Also strike out the period after the word "borrow" at the end of Section 1 and insert in lieu thereof a comma (.). Also by adding at the end of Section 1 after the word "borrow," the words, "and for all other purposes of bank capital as may be required by law."

And as so amended, recommend said S. B. No. 20 do pass.

That H. B. No. 25 be amended in Section 1 by striking out in line 3 of the printed bill after the word "purposes," the words, "the county shall

receive not less than twenty per centum (20%),” and inserting in lieu thereof the words, “the County Commissioners shall collect an amount by them deemed proper but not in excess of twenty per centum (20%).”

And as so amended, recommend said House Bill No. 25 be concurred in.
That H. J. R. No. 3 be concurred in.
Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 18, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that by unanimous consent of the Senate, Rule No. 40 was this day suspended and S. B. No. 21 was thereupon introduced.

S. B. No. 21, by Ruffcorn and Donovan: A bill for an Act entitled: “An Act to permit School Districts which are indebted to the limit as provided by the Constitution of the State of Montana to operate on a cash basis.” Referred to Committee on Education.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Tuesday, December 19th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

TWENTY-THIRD DAY

House of Representatives,
Helena, Montana, December 19, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present, except the following:

Balgord, Blankenbaker, Duffy, Givens; excused.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

December 18, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

I have the honor to advise you that I have this day approved the following measures:

H. B. No. 22—An Act making bonds of Home Owners' Loan Corporation eligible for investment purposes, etc.

Sub. for H. J. M. No. 1—Requesting purchase of Montana cattle for distribution to workers on Federal projects.

H. J. M. No. 2—Requesting enactment of laws prohibiting producers and distributors of gasoline from establishing unfair prices.

F. H. COONEY, Governor.

MOTIONS AND RESOLUTIONS

It was moved by Nutting, duly seconded, that the House reconsider its action on the adoption of the report of the Committee of the Whole on Substitute for Substitute House Bill No. 13.

Motion was lost.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Watson of Meagher in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following:

H. B. No. 32, H. B. No. 43, H. B. No. 48, H. B. No. 52, H. B. No. 53, H. B. No. 55, H. B. No. 59, beg leave to report as follows:

That House Bill No. 32 do pass.

That House Bill No. 43 be temporarily passed.

That House Bill No. 52 be temporarily passed.

That House Bill No. 48 do pass.

That the enacting clause be stricken in House Bill No. 53.

That House Bill No. 55 do pass.

That House Bill No. 59 be temporarily passed.

WATSON of Meagher, Chairman.

On motion of Watson, report adopted.

The Speaker designated Haight of Fergus, Manning of Treasure and Miller of Big Horn to investigate the pay roll of the employees of the House under motion made by Haight on December 16th.

The Speaker designated Ralston of Glacier, Rognlien of Flathead, Freudenstein of Silver Bow, Marshall of Missoula and Findlater of Custer to make a general examination of the State Banking Department under motion made by Ralston yesterday.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

December 19, 1933.

Mr. Speaker: We, your Committee on State Institutions, Public Buildings and Grounds having had under consideration House Bill No. 68 entitled:

A bill for an Act entitled: "An Act to authorize the erection of a building or buildings for the Montana State Industrial School; to authorize the borrowing of money to pay for the construction of said buildings; to create a fund out of which the principal of and the interest upon the money so borrowed may be paid; and to provide that the money, so borrowed, shall not be and never shall become a charge against the State of Montana or a liability, debt or obligation of the State of Montana.

Respectfully report as follows: That House Bill No. 68 do pass.

MULHOLLAND, Chairman.

On motion of Mulholland, report adopted.

December 19, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. B. No. 42.

ROLPH, Chairman.

On motion of Rolph, report adopted.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the Twenty-Second Legislative Day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

MARSHALL.

On motion of Marshall, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Watson of Meagher, duly seconded and carried, that the House reconsider its action on the adoption of the report of the Committee of the Whole on House Bill No. 55 and that it be placed back on General Orders for purpose of amending same.

The following motion was made by Breitenstein, duly seconded and carried:

December 19, 1933.

Mr. Speaker: I move that the Speaker appoint one member of the House as a delegate to a regional conference of eleven western states to be held at Salt Lake City, Utah, in June, 1934, for the purpose of adopting uniform motor vehicle laws and regulations of the various western states; with the understanding that such delegate travel at his own expense.

BREITENSTEIN.

THIRD READING OF HOUSE BILLS

Unanimous consent was given to read bills on Third Reading by history and title only.

House Bill No. 42, introduced by Knowles, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Ecton, Ferry, Findlater, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Harlen, Harrington, Holecek, Jensen, Knowles, Kruse, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Moss, Mulholland Nass, Nelstead, O'Connell, Parker (Flathead),

Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Roll, Rolph, Schuster, Setzer, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 81.

Noes: Doe, Fitzstephens, Haight, Hilger, Kuhl, O'Shea. Total 6.

Absent and not voting: Balgord, Blankenbaker, Doran, Duffy, Givens, Groene (Fergus), Miller (Lincoln), Nutting, Pierson, Rognlien, Shannon, Snidow, Sullivan, Woodcock. Total 14.

Mr. Speaker: Eighty-one have voted "aye"; six have voted "no"; House Bill No. 42 has passed the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Watson of Meagher in the Chair.

Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: H. B. No. 55, H. B. No. 43, H. B. No. 52, H. B. No. 59, Sub. H. B. No. 64, H. B. No. 67 and S. J. Memorial No. 4, beg leave to report as follows:

That printed House Bill No. 55 be amended as follows:

Amend Section 1 by striking out in line 26 the word "anew" and inserting after the word "count" in line 26 the following words: "Upon the record made before the Commission" and as amended do pass.

That printed House Bill No. 43 be amended as follows:

Amend Section 1 by adding in line 1 after the word "agency" a comma, and the words "after the Montana Relief Commission has ceased to function," and amend Section 2 by adding in line 4 after the word "the" the words "Montana Relief Commission, or the" and by striking out the period after the word "Commission" and adding the words "after the Montana Relief Commission has ceased to function," and amend Section 3 by adding in line five after the word "the" the words "Montana Relief Commission, or the" and by striking out the period after the word "commission" in line six and adding "after the Montana Relief Commission has ceased to function," and amend Section 4 by striking out in line 7 and 8 thereof the phrase "Boards of County Commissioners" and inserting in lieu thereof the words "County Relief Boards." and amend Section 4 by striking out in line 3 the period after the word "fund" and adding the words "after the Montana Relief Commission has ceased to function. The Montana Relief Commission or" and by inserting after the word "said" in line 7, the words "Montana Relief Commission or" and amend Section 5 by striking out in line 1 thereof the words "Boards of County Commissioners" and inserting in lieu thereof the words "County Relief Boards"; and by inserting at the beginning thereof, after the words "Section 5." the following: "In counties of the first, second, third, fourth, and fifth class, county relief boards of three members shall be appointed by the Governor, provided however, that there shall be at least one recognized representative of labor on such board. In counties of the sixth and seventh class the Boards of County Commissioners shall act as County Relief Boards," and amend title by striking out in lines 3 and 4 thereof, the words "Boards of County Commissioners relative thereto" and inserting in lieu thereof the words "County Relief Boards"; and by inserting in line 2, after the word "thereof" the

following words: "directing the appointment of County Relief Boards," and amend title by striking out in line four the colon after the word "Commission," inserting a comma and the words "after the Montana State Relief Commission has ceased to function:" and as amended do pass.

That House Bill No. 52 do pass.

That printed House Bill No. 59 be amended as follows: "Amend Section 1 by striking out in lines 22, 27, 32 and 37 the words "total more than" and inserting in lieu thereof the word "exceed," and amend Section 3 by striking out in line 3 the word and figures "Twenty (20) and inserting in lieu thereof the word and figures "Forty (40)" and as amended do pass.

That printed Substitute House Bill No. 64 be amended as follows: Amend Section 1, line 1 by striking out in line 1 the word "and" and letter "s" at end of "sections" and the figure "5" and add a new Section after the word "sale" in line 15 of the printed bills Section 2, to read as follows: "Section 2. That Section 5 of Chapter 100 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 176 of the Session Laws of 1933 be and the same is hereby amended to read as follows: "—Strike out in line 20 the word "in" and insert in lieu thereof the word "is" and number subsequent sections accordingly, and as amended do pass.

That House Bill No. 67 be passed for the day.

That Senate Joint Memorial No. 4 be passed for the day.

WATSON of Meagher, Chairman.

On motion of Watson of Meagher, report adopted.

REPORTS OF STANDING COMMITTEES

December 19, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration Substitute House Bill No. 37, entitled:

An Act relating to certain license fees to be paid by collecting agents and other persons, firms or corporations other than attorneys-at-law engaged in collection of bills, notes, or accounts; and fixing license fees thereof and prescribing a penalty for failure to pay said license fee or otherwise failing to comply with the provisions herein."

Respectfully report as follows: That House Bill No. 37, do pass.

GROENE, Chairman.

On motion of Groene of Fergus, report adopted.

December 19, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 30:

A bill for an Act entitled: "An Act relating to the licensing and regulation of the manufacture, sale and distribution of beer and other similar beverages, and to amend Sections 2, 3, 9, 13, 14, 17, 18, 20, 28, 30, 32, 43, 45, 48 and 49, and to repeal Sections 21, 22, 23, 24, 25, 26, 27, 38, 39, 41 and 42 of Chapter 106, Laws of 1933, relating thereto."

That House Bill No. 30 having been re-referred to this committee for correction, report that the same has been corrected and re-written, incorporating all amendments adopted by the Committee of the Whole, and further recommend that 250 copies of the corrected bill be printed for the use of the Legislative Assembly, and that the corrected bill be re-referred to the Engrossing Committee.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

INTRODUCTION OF BILLS AND MEMORIALS, AND
SECOND READING OF THE SAME

On motion of Groene of Fergus, duly seconded and carried by majority, the following bill was introduced, read first and second time and referred to Committee on Judiciary.

House Bill No. 72, introduced by Groene—by request:

A bill for an Act entitled: "An Act to provide for a license tax upon goods, wares, merchandise or other personal property produced or manufactured in the State of Montana and sold by brokers or other agents engaged by the producer or manufacturer from without the State of Montana to sell such goods, wares, merchandise or other personal property within the State of Montana; and to provide for a penalty for the failure to pay said license tax."

It was moved by Besancon, duly seconded and carried that the House recess until 4:50 o'clock.

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

December 19, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. B. No. 58, H. B. No. 46 and H. B. No. 32.

ROLPH, Chairman.

Without objection, report adopted.

December 19, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation having had under consideration House Bill No. 36, entitled:

A bill for an Act entitled: "An Act to raise revenue for state, county and municipality by the issuance of liquor, wine and beer stamps, licenses for manufacture, distribution and sale of liquor, wine and beer, or any brewed, malted, fermented and distilled alcoholic and other similar beverages and for the regulation of sale and distribution of any brewed malted, fermented and distilled alcoholic and other similar beverages, and for the raising and disposition of revenues therefrom, and providing penalties for the violation of any of its provisions."

Respectfully report as follows: That House Bill No. 36. Do not pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

December 19, 1933.

Mr. Speaker: We your Committee on Judiciary having had under consideration House Bill No. 49, entitled:

"An Act to amend Section 4918 of the Revised Codes of Montana, 1921, relating to fees of the Clerk of the District Court; directing the disposition of certain of said fees and repealing all Acts and parts of Acts in conflict therewith."

Respectfully report as follows: That House Bill No. 49, do not pass.

GROENE of Fergus, Chairman.

It was moved by Groene of Fergus, duly seconded, that report be adopted.

On substitute motion by Beadle, it was moved, duly seconded, that House Bill No. 49 be printed and placed on General Orders without recommendation. Motion was lost. Whereupon motion by Groene carried.

December 19, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 72, entitled:

"An Act to provide for a license tax upon goods, wares, merchandise or other personal property produced or manufactured in the State of Montana and sold by brokers or other agents engaged by the producer or manufacturer from without the State of Montana to sell such goods, wares, merchandise or other personal property within the State of Montana: and to provide for a penalty for the failure to pay said license tax."

Respectfully report as follows: That House Bill No. 72, be printed and placed on General Orders without recommendation.

GROENE, Chairman.

On motion of Groene of Fergus, report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

12, 28, 47, 54, 70, 34, 69.

SOMERVILLE, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND SENATE

December 19, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

I have the honor to advise you that I have this day approved House Bill No. 3, "An Act to authorize the erection of buildings for the Eastern Montana Normal School," etc.

F. H. COONEY, Governor.

It was moved by Besancon, duly seconded and carried that messages from the Senate be considered read at length and the Journal so show.

Helena, Montana.

December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 25, by Pilgeram and Rearden of Cascade, was this day read three several times and concurred in as amended, title and history agreed to, and bill is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana.

December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read three several times, passed, title and history agreed to, and are herewith transmitted to the House for concurrence:

S. B. No. 8, by Ruffcorn.
 S. B. No. 17, by Danielsen.
 S. B. No. 18, by Committee on Banks and Banking.
 S. B. No. 20, by Committee on Banks and Banking.

Respectfully,

C. J. McALLISTER,
 Secretary of the Senate.

Helena, Montana.
 December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 9, by Marshall, was this day read three several times and concurred in as amended, title and history agreed to, and bill is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
 Secretary of the Senate.

Helena, Montana.
 December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that H. J. R. No. 3, by Sullivan, Freudenstein, Mulholland, Beadle, Goodwin, O'Connell, Ferry, Doran, McDermott, Harrington, Doe, Reardon of Deer Lodge, McCarvel and Larsen, was this day read three several times and concurred in, title and history agreed to, and Resolution is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
 Secretary of the Senate.

Helena, Montana.
 December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day recommended for non-concurrence, and bills are herewith returned to the House:

H. B. No. 24, by Groene—Killed by adverse Committee report.
 H. B. No. 26, by Harlen—Killed by adverse report of Committee of the Whole.

Respectfully,

C. J. McALLISTER,
 Secretary of the Senate.

Helena, Montana.
 December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on roll call, refused to concur in the House amendments to S. B. No. 10, and on motion of Senator Jergensen, duly seconded and carried, a conference committee was requested to be appointed to act with a like committee from the House for the consideration of such

amendments, whereupon the President pro tem of the Senate appointed the following Senators to act as such Conference Committee from the Senate:

Senators Jergensen, Lamp and Holt.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the House amendments to S. J. M. No. 1 and S. B. No. 7 were this day, on roll call, concurred in by the Senate.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Kemmis, duly seconded and carried, S. B. No. 16 was taken from General File of today and re-referred to Committee on Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Kelsey, duly seconded and carried, Sub. H. B. No. 5 was this day taken from General File and referred to General File for tomorrow.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced in the Senate, read first and second time and referred to Committees:

H. B. No. 38, by Stevens of Wheatland and Miller of Big Horn. Referred to Committee on Judiciary.

H. B. No. 39, by Committee on Irrigation and Water Rights. Referred to Committee on Judiciary.

H. B. No. 44, by Committee on Irrigation and Water Rights. Referred to Committee on Irrigation and Water Rights.

H. J. M. No. 3, by O'Connell, Freudenstein and Beadle. Referred to Committee on Insurance.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committee this day reported as follows:

Committee on Taxation: That Sub. H. B. No. 6 be amended as per attached, and as amended, be concurred in, report adopted.

Committee on Judiciary: That H. B. No. 10 be concurred in, report adopted.

Committee on Finance and Claims: That H. B. No. 31 be amended by striking out lines 9, 10, 11 and 12, printed bill, the same being lines 18, 19, 20, 21, 22, and 23, original bill, and substituting:

"For the establishment and operating of the State Liquor Stores as authorized by Chapter 105 of the Laws of the Twenty-third Legislative Assembly, One Hundred Fifty Thousand Dollars (\$150,000.00)."

And as so amended, recommend same be concurred in, report adopted.

Committee on Agriculture: That H. J. M. No. 4. be concurred in, report adopted.

Committee on State Boards and Officers: That Sub. H. B. No. 18 be amended by adding to Section 4 at the end thereof, the following:

"Provided that Montana labor and material be given preference in the construction of the buildings specified herein."

And as so amended, recommend said bill be concurred in, report adopted.

Committee on Judiciary: That H. B. No. 24 be not concurred in, report adopted.

Committee on Engrossed Bills: That Senate Bills Nos. 8, 17, 18 and 20 have been correctly engrossed, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Senate Committee on Taxation Amendments to Sub. H. B. No. 6:

Amend by striking out all of the title of said Act and inserting in lieu thereof the following:

"A bill for an Act entitled: 'An Act to permit the payment of delinquent taxes on real estate, and certain personal property; providing the terms and conditions thereof and repeal of Acts and parts of Acts in conflict therewith.'"

Amend by striking out all of Section 1 and inserting:

"Section 1. All taxes or assessments heretofore levied against real property, and all taxes or assessments heretofore levied against personal property and which are a lien against real property, with penalty and interest, becoming delinquent for any year or years before the year 1933, may be paid in twenty (20) equal semi-annual installments extending over a period of ten (10) years; provided that no taxes for the years 1933 or any subsequent year against the real property embraced within any such contract shall be delinquent or unpaid on the date when such contract is entered into."

Amend by striking out all of subdivision 5 of Section 2 thereof, and inserting in lieu thereof:

"5. A certificate from the County Treasurer showing that all taxes becoming due subsequent to taxes for the year 1932 have been paid."

Amend by striking out in Subdivision 6 of Section 2 the balance of line 6 beginning with the word "semi-annual" and all of lines 7 and 8.

Amend in line 17 of Section 3 by striking out the word "amortization."

Amend further in Section 3 by striking out all of lines 20 and 21, beginning with the word "if" in line 20.

Amend in Section 4 by striking out in lines 25 and 26 the word "amortization," and in line 31, the word, "amortization."

Amend by striking out all of Section 8 and inserting in lieu thereof:

"Section 8. The first installment and each subsequent installment with interest as paid shall be credited by the County Treasurer against the amount of taxes, penalty and interest for the last year for which the taxes were delinquent until such amount shall be fully paid, and each subsequent installment with interest as paid shall be credited against the amount due for the year immediately preceding, and the crediting of installments with interest as paid shall be continued in such order until the amount payable under the contract is fully paid. Whenever the amount paid in on any contract shall be sufficient to pay off a delinquent semi-annual installment of taxes, with penalty and interest, the County Treasurer shall distribute the amount of such taxes, penalty and interest to the various funds to which the same belong."

Amend by striking out all of Section 8 thereof.

Amend in Section 10 by inserting in line 4 thereof, after the word "by" the words, "County Treasurers for".

Amend further in Section 10 by adding thereto the following: "Provided, however, that none of the provisions of this Act shall apply to assessments for special improvements levied or assessed against property in incorporated cities or towns."

Amend by numbering the sections consecutively.

Helena, Montana,
December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Taxation: That Sub. H. B. No. 5 be amended by striking out in line 3 of Section 3, printed bill, and in lines 5 and 6, page 5, original bill, after the word "decedent" and before the word "on," the following words: "which has not been distributed," and inserting in lieu thereof; "on which the inheritance tax has not been determined by the court."

And as so amended, recommend said bills be concurred in, report adopted.

Committee on Counties and Towns: That H. B. No. 14 be concurred in, report adopted.

Committee on Counties and Towns: That H. B. No. 29 be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That S. B. No. 11 do pass.
 That S. J. M. No. 5 do pass.
 That H. B. No. 9 be concurred in.
 That H. B. No. 26 be not concurred in.

Respectfully,

C. J. McALLISTER,
 Secretary of the Senate.

Helena, Montana,
 December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Printing this day reported Senate Sub. for S. B. No. 19 back from the printers correctly printed, report adopted.

Respectfully,

C. J. McALLISTER,
 Secretary of the Senate.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

The following bills were introduced, read first and second time and referred to committees:

Senate Bill No. 8, introduced by Ruffcorn. A bill for an Act entitled: "An Act to cede jurisdiction to the United States over the Fort Peck Dam, the body of water created by such dam, the land under such body of water, and any land now owned or which may be hereafter required by the United States and which shall touch such body of water, all being in the counties of Valley, Phillips, McCone, Garfield, Petroleum and Fergus, Montana, and reserving certain rights to the State of Montana."

Referred to Committee on Federal Relations.

Senate Bill No. 17, introduced by Danielsen, a bill for an Act entitled: "An Act to amend Section 4767 of the Revised Codes of Montana of 1921, as amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly, and as further amended by Chapter 137 of the Laws of the Nineteenth Legislative Assembly, and as further amended by Chapter 134 of the Laws of the Twentieth Legislative Assembly, and as further amended by Chapter 49 of the Twenty-first Legislative Assembly relating to the deposit of county, city and town funds."

Senate Bill No. 18 introduced by Committee on Banks and Banking:

A bill for an Act entitled: "An Act to repeal that certain law relating to the authorizing of commercial banks, savings banks, trust companies, and investment companies, to issue non-assessable preferred stock without liability on the holder other than to pay the original subscription price, and to borrow money for capital purposes, and to obtain the consent of the stockholders to amend the articles of incorporation for such purposes, which said law is contained in Senate Bill No. 4 of the Extraordinary Session of the Twenty-third Legislative Assembly."

Senate Bill No. 20 introduced by Committee on Banks and Banking:

A bill for an Act entitled: "An Act to authorize commercial banks, savings banks, trust companies, and investment companies to issue and negotiate capital notes or debentures and to borrow money for capital purposes, and fixing the status of such capital."

THIRD READING OF HOUSE BILLS

Unanimous consent was given to read bills on Third Reading by history and title only.

House Bill No. 58 introduced by Byrne, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Ecton, Ferry, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 88.

Noes: Shannon. Total 1.

Absent and not voting: Balgord, Blankenbaker, Doran, Duffy, Findlater, Givens, Metlen, Nutting, Snidow, Sullivan, Watson (Meagher), White. Total 12.

Mr. Speaker: Eighty-eight have voted "aye"; one has voted "no"; House Bill No. 58 has passed the House.

House Bill No. 46 introduced by Haight and Holecek, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Ecton, Ferry, Findlater, Fitzstephens, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, Love, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 86.

Noes: Harlen, McCarvel, Larsen. Total 3.

Absent and not voting: Balgord, Blankenbaker, Doran, Duffy, Fowler, Givens, Metlen, Nutting, Shannon, Snidow, Sullivan, White. Total 12.

Mr. Speaker: Eighty-six have voted "aye"; three have voted "no"; House Bill No. 46 has passed the House.

House Bill No. 32 introduced by Committee on Appropriations, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Bjerneby, Breitenstein, Byrne, Campbell, Cusker, Doe, Ecton, Findlater, Fitzstephens, Freudenstein, Grabow, Green (Dawson), Hagerty, Harlen, Hole-

cek, Jensen, Knowles, Kruse, Larsen, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miller (Big Horn), Miller (Lincoln), Moss, Nelstead, Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Roll, Schuster, Setzer, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Mr. Speaker. Total 65.

Noes: Beadle, Besancon, Chapman, Conner, Daugherty, Ferry, Freed, Goodwin, Hilger, Kuhl, Love, Miles, Mulholland, Nass, O'Connell, O'Shea, Parker (Flathead), Replogle, Rolph, Stevens (Wheatland), Wigal, Woodcock. Total 22.

Absent and not voting: Balgord, Blankenbaker, Doran, Duffy, Fowler, Givens, Groene (Fergus), Metlen, Nutting, Snidow, Sullivan, Trenne, White. Total 13.

The following passed their vote: Haight. Total 1.

Mr. Speaker: Sixty-five have voted "aye"; twenty-two have voted "no"; House Bill No. 32 has passed the House.

CONSIDERATION OF GENERAL ORDERS

Without objection consideration of General Orders was passed for the day.

It was moved by Besancon, duly seconded and carried that the House now adjourn until 10:00 o'clock, Wednesday, December 20th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

TWENTY-FOURTH DAY

House of Representatives,
Helena, Montana, December 20, 1933.

House convened, pursuant to adjournment at 10:00 A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members were present except the following:

Balgord, Blankenbaker, Givens, Snidow, excused.

Mr. Speaker: We, your Committee on Journal, having examined the Journal of the House for the Twenty-third Legislative Day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded, that the House reconsider its action on the adoption of the report of the Committee of the Whole on House Bill No. 53, that roll call be taken and the "aye" and "no"; vote be recorded in the Journal.

A call of the House having been demanded by the required number the roll was called and the following members were excused from the call of the House:

Balgord, Blankenbaker, Givens and Snidow.

It was moved by Besancon, duly seconded and carried that further call of the House be dispensed with.

Motion to segregate House Bill No. 53 from report of the Committee of the Whole was lost by the following vote:

Ayes: Abrahamson, Annin, Arnold, Beadle, Breitenstein, Byrne, Conner, Doe, Doran, Ferry, Goodwin, Groene (Fergus), Harrington, Jensen, Knowles, Kuhl, Larsen, Logan, Lott, McCarvel, McDermott, McElwain, Metlen, Miles, Miller (Big Horn), Nass, O'Shea, Parker (Broadwater), Pilgeram, Ragen, Reardon (Deer Lodge), Replogle, Roll, Setzer, Shannon, Somerville, Stevens (Wheatland), Strange, Sullivan, Trenne, Waite, Watson (Meagher), Watson (Missoula). Total 43.

Noes: Acher, Anderson, Ballard, Besancon, Bjorneby, Campbell, Chapman, Cusker, Daugherty, Duffy, Ecton, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Hilger, Holecek, Kruse, Lewis, Love, Manning, Marshall, Mason, Miller (Lincoln), Moss, Mulholland Nelstead, Nutting, O'Connell, Parker (Flathead), Pierson, Porter, Quamme, Ralston, Rearden (Cascade), Rognlien, Rolph, Schuster, Spangler, Sparling, Stephens (McCone), Stiefel, Ueland, Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 54.

Absent and not voting: Balgord, Blankenbaker, Givens, Snidow. Total four.

The Speaker: Forty-three have voted "aye"; fifty-four have voted "no"; the motion is lost.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Mr. Shannon in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the Engrossing Committee be authorized to insert Section 16 where it should be in House Bill No. 48.

INTRODUCTIONS OF BILLS AND MEMORIALS AND SECOND READING OF SAME

On motion by Nutting, duly seconded and carried by a majority vote, the following Memorial was introduced, read first and second time and referred to Committee on Irrigation and Water Rights.

House Joint Memorial No. 5 introduced by Nutting: A Memorial to the President of the United States of America requesting an investigation of water control of the Yellowstone River in Yellowstone Park.

CONSIDERATION OF GENERAL ORDERS

Without objection. House resolved itself in Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Shannon in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration, the following: H. B. No. 67, S. A. to House Bill No. 9, beg leave to report as follows:

That H. B. No. 67 passed for the day.

That Senate Amendments to House Bill No. 9 be concurred in, and committee begs leave to sit again.

SHANNON, Chairman.

On motion of Shannon, report adopted.

Mr. Speaker: We, your Committee of the Whole, having had under consideration, the following: S. A. to House Bill No. 25, H. B. No. 70, H. B. No. 47, H. B. No. 54, beg leave to report as follows:

That Senate Amendments to House Bill No. 25 be concurred in.

That House Bill No. 70 do pass.

That House Bill No. 47 do pass.

That printed House Bill No. 54 be amended as follows:

Amend Section 1 by adding in line 5 the following word after the word "university" "provided that the Montana State School of Mines shall be excluded from any and all provisions of this Act." And as amended do pass.

SHANNON, Chairman.

On motion of Shannon, report adopted.

MOTIONS AND RESOLUTIONS

The following motion was made by Besancon, duly seconded and carried:

December 20th, 1933.

Mr. Speaker: I move that when the House adjourn on Saturday of this week, it adjourn until Wednesday, December 27, at 10:00 A. M., and that the consent of the Senate to adjournment be requested.

BESANCON.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:30 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

December 20, 1933.

Mr. Speaker: We, your Committee on Irrigation and Water Rights, having had under consideration House Joint Memorial No. 5, entitled:

"A Memorial to the President of the United States of America requesting an investigation of water control of the Yellowstone River in Yellowstone Park."

Respectfully report as follows: That House Joint Memorial No. 5, do pass.

NUTTING, Chairman.

On motion of Nutting, report adopted.

December 20, 1933.

Mr. Speaker: We, your Committee on Constitutional Amendments, having had under consideration House Bill No. 7, entitled:

A bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section four (4) of Article eighteen (18) of the Constitution of the State of Montana, relating to the hours of labor in all industries, occupations, undertakings and employments."

Respectfully report as follows: That House Bill No. 7 be printed and placed on General Orders without recommendation.

O'CONNELL Chairman.

On motion of Besancon report adopted.

December 20, 1933.

Mr. Speaker: We, your Committee on Federal Relations having had under consideration Senate Joint Resolution No. One entitled:

"A Joint Resolution requesting the Honorable Harold L. Ickes, Public Works Administrator, to allot funds for the Broadus-Crow Agency highway and to direct the construction thereof."

Respectfully report as follows: That Senate Joint Resolution No. 1 be placed on General Orders without recommendation.

CUSKER, Chairman.

On motion of Cusker, report adopted.

December 20, 1933.

Mr. Speaker: We, your Committee on Federal Relations, having had under consideration Senate Joint Memorial No. Three entitled:

"Memorial to the President of the United States, the Secretary of Agriculture of the United States, and Chief Forester of the United States."

Respectfully report as follows: That Senate Joint Memorial No. 3, be concurred in.

CUSKER, Chairman.

On motion of Cusker, report adopted.

December 20, 1933.

Mr. Speaker: We your Committee on Appropriations, having had under consideration House Bill No. 71, entitled:

A bill for an Act entitled: "An Act appropriating money for the purchase of materials, equipment and supplies to be used in connection with the repairs and alterations to the state capitol buildings and grounds, and architects fees in connection therewith."

Respectfully report as follows: That House Bill No. 71, do pass.

SHANNON, Chairman.

On motion of Shannon, report adopted.

December 20, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

House Joint Resolution No. 3.

MULHOLLAND, Vice-Chairman.

December 20, 1933.

We hereby certify that we have this day received Enrolled House Joint Resolution No. 3, and same has been found to be correct.

DAN W. SULLIVAN.

The Speaker announced he was about to sign House Joint Resolution No. 3, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR
AND SENATE

Office of the Governor

Helena, Montana,
December 20, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

I have the honor to advise you that I have this day approved the following measures:

H. B. No. 16—Prescribing hours of labor for persons in retail stores.

H. B. No. 23—Relating to the sale of prison-made goods.

F. H. COONEY, Governor.

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

Helena, Montana,
December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That consideration of S. B. No. 14 be passed.

That Senate Sub. for S. B. No. 19 do pass.

That consideration of Sub. H. B. No. 14 be passed.

That H. B. No. 29 be concurred in.

That H. J. M. No. 4 be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
December 19, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Senators Husband, Parkin, Burr, Garber and Duncan, was this day made and duly seconded and carried:

"We move that a committee of three members of the Senate be appointed by the President of the Senate to make an investigation and report to the Senate not later than December 28th, 1933, as to the reason for the cancellation of Fire Insurance contracts issued September 1st, 1932, and the acceptance of new contracts for Fire Insurance on state-owned property issued May 1st, 1933, at a reported loss to the taxpayers of the State of Montana, and in addition to a reduction in First Insurance Protection on state-owned property.

"We further move that the Automobile and Casualty Insurance be investigated as to why the lowest bid on this insurance was not accepted."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Watson of Meagher, duly seconded and carried that House Bill No. 54 be considered correctly engrossed and placed on Third Reading on the top of the list.

It was moved by Ballard, duly seconded and carried, that a committee of three be appointed to confer with the boss in charge of digging the parking space out back of the capitol and instruct them not to light any blasts until after we adjourn at night and have time to get away from the capitol.

THIRD READING OF HOUSE BILLS

Without objection, bills on Third Reading were read by history and title only.

It was moved by Marshall, duly seconded and carried, that there be a call of the House, and on roll call the following were excused:

Balgord, Blankenbaker, Givens, Snidow and White.

It was moved by Besancon, duly seconded and carried, that further call of the House be dispensed.

House Bill No. 54, introduced by Watson of Meagher, having been read three several times, history and title agreed to, failed to pass by the following vote:

Ayes: Abrahamson, Anderson, Annin, Arnold, Ballard, Bjorneby, Byrne, Campbell, Conner, Cusker, Doe, Freed, Grabow, Green (Dawson), Groene (Fergus), Hilger, Holecek, Knowles, Kruse, Larsen, Lewis, McCarvel, McElwain, Miller (Big Horn), Parker (Flathead), Parker (Broadwater), Quamme, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Repogle, Roll, Setzer, Somerville, Stephens (McCone), Stevens (Wheatland), Trenne, Waite, Watson (Meagher), Woodcock. Total 40.

Noes: Acher, Beadle, Besancon, Breitenstein, Chapman, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Goodwin, Hagerty, Haight, Harlen, Harrington, Jensen, Kuhl, Logan, Lott, Love, McDermott, Manning, Marshall, Mason, Metlen, Miles, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Pierson, Pilgeram, Porter, Ragen, Rognlien, Rolph, Schuster, Shannon, Spangler, Sparling, Stiefel, Strange, Sullivan, Ueland, Watson (Missoula), Whaley Wigal, Mr. Speaker. Total 56.

Absent and not voting: Balgord, Blankenbaker, Givens, Snidow, White. Total 5.

The Speaker: Forty have voted "aye"; fifty-six have voted "no"; House Bill No. 54 has failed to pass the House.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried, that House Bill No. 70 be considered correctly engrossed and placed on Third Reading on the top of the list.

THIRD READING OF HOUSE BILLS

House Bill No. 70, introduced by Appropriation Committee, having been read three several times at length, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fowler, Freudenstein, Fitzstephens, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Setzer, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 90.

Noes: Nass. Total 1.

Absent and not voting: Balgord, Blankenbaker, Freed, Givens, Goodwin, Knowles, Rearden (Cascade), Rolph, Snidow, White. Total 10.

The Speaker: Ninety have voted "aye"; one has voted "no"; House Bill No. 70 has passed the House.

Senate Amendments to House Bill No. 9, introduced by Marshall, having been read three several times, history and title agreed to, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Findlater, Fitzstephens, Fowler, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene, (Fergus), Hagerty, Harlen, Harrington, Jensen, Knowles, Kruse, Larsen, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miller (Lincoln), Moss, Mulholland, Nelstead, Nutting, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Shannon, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Ueland, Watson (Missoula), Wigal, Mr. Speaker. Total 71.

Noes: Anderson, Doe, Ferry, Haight, Hilger, Kuhl, Miles, Miller (Big Horn), Nass, O'Shea, Ragen, Rolph, Setzer, Somerville, Stevens, (Wheatland), Trenne, Waite, Watson (Meagher), Whaley, Woodcock. Total 20.

Absent and not voting: Balgord, Blankenbaker, Byrne, Freed, Givens, Lewis, Snidow, White. Total 8.

The following passed their vote: Holecek, Roll. Total 2.

The Speaker: Seventy-one have voted "aye"; twenty have voted "no"; Senate Amendments to House Bill No. 9 were concurred in by the House.

Senate Amendments to House Bill No. 25 introduced by Pilgeram and Rearden of Cascade, having been read three several times, history and title agreed to, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens,

Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Setzer, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 94.

Noes: None.

Absent and not voting: Balgord, Blankenbaker, Givens, Lewis, Rolph, Snidow, White. Total 7.

The Speaker: Ninety-four have voted "aye"; none have voted "no"; Senate Amendments to House Bill No. 25 were concurred in by the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Shannon in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following:

House Bill No. 34, House Bill No. 28, House Bill No. 12, beg leave to report as follows:

That House Bill No. 34 be passed for the day.

That printed House Bill No. 28 be amended as follows:

Amend Section 1 by inserting in line 2 after the colon and quotation mark the following "Section 2" and in line 13 after the word "this" and before the comma the word "state" and in line 15 after the word "thousand" the number "(1000)" in parenthesis and in line 23 by inserting after the word "such" the following: "and at a temperature of sixty (60) degrees Fahrenheit" and also in line 23 after the word "pressure" the following: "and temperature," and as amended do pass.

That printed House Bill No. 12 be amended as follows: Amend Section 1 by striking out in line 7 all of the remainder of said section after the words "State of Montana" and inserting in lieu thereof the words "showing the gross amount of money received on account of sales of electricity and electrical energy during the preceding calendar month without any deduction and shall pay a license of tax thereon in the sum of one-half of one per cent of such gross amount as shown on such statement in the manner and within the time hereinafter provided." And amend Section 2 by striking out in line 2 after the figures "1934" all the rest of the section and inserting in lieu thereof the following: "No bill, statement or account rendered or given any customer by any concern affected by the provisions of this Act shall set out or contain, as a separate item, any amount on account or by reason of the license tax imposed by this Act." And amend Section 3 by striking out in lines 2 and 3 after the word "shall" the words "place same to the credit of the General Fund" and inserting in lieu thereof the words "distribute" and deposit all the revenue accruing hereunder up to and until March 1, 1935, as follows: Forty (40) per cent thereof shall be deposited to the Emergency Relief Fund; Forty (40) per cent thereof shall be deposited to the Unemployment Relief Fund; Fifteen (15) per cent

thereof shall be deposited to the General Fund of the state and Five (5) per cent thereof shall be deposited to the Common School Interest and Income Fund; thereafter the State Treasurer shall distribute and deposit said funds as follows: Fifty (50) per cent to the General Fund of the state; Twenty-five (25) per cent to the Common School Interest and Income Fund, and Twenty-five (25) per cent to the State Common School Equalization Fund." And as amended do pass.

It was moved by Shannon, duly seconded, that report of the Committee of the Whole be adopted.

On substitute motion by O'Connell, it was moved, duly seconded and carried, that the House segregate House Bill No. 12 from the report of the Committee of the Whole for reconsideration, that roll call be taken and the "aye" and "no" vote be recorded in the Journal.

A call of the House having been demanded by the required number, the roll was called and the following members were excused:

Balgord, Blankenbaker, Givens, Snidow and White.

On motion by Besancon, duly seconded and carried. Call of the House was suspended pending transaction of routine business.

The Speaker announces he was about to sign Senate Bill No. 7, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Joint Memorial No. 1, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

Helena, Montana,
December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motions were this day made in the Senate and duly adopted:

By Church—To request the House to return to the Senate for further consideration House Bill No. 26.

By Donovan—To have H. B. No. 10 taken from Third Reading and referred to the Committee on Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

It was moved by Besancon, duly seconded and carried that the request of the Senate be granted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

H. B. Nos. 60, 41, 56, 51, 66, 57, 63, 61.

SOMERVILLE, Chairman.

Without objection report adopted.

Mr. Speaker: We, your Committee on Enrollment to whom was referred House Joint Resolution No. 3, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 3:23 o'clock P. M. delivered to the Governor for his approval.

L. E. LARSEN, Chairman.

Without objection report adopted.

It was moved by Besancon, duly seconded and carried that further call of the House be dispensed with.

House Bill No. 12 was segregated from the report of the Committee of the Whole by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Beadle, Besancon, Bjorneby, Byrne, Chapman, Conner, Daugherty, Duffy, Fowler, Freed, Green (Dawson), Haight, Harlen, Hilger, Holecek, Kruse, Kuhl, Lewis, Lott, Love, Manning, Marshall, Miles, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Pierson, Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Replogle, Rognlien, Rolph, Schuster, Setzer, Sparling, Stephens (McCone), Stevens (Wheatland), Strange, Trenne, Ueland, Whaley. Total 52.

Noes: Arnold, Breitenstein, Campbell, Cusker, Doe, Doran, Ecton, Ferry, Findlater, Fitzstephens, Freudenstein, Goodwin, Grabow, Groene (Fergus), Hagerty, Harrington, Jensen, Knowles, Larsen, Logan, McCarvel, McDermott, McElwain, Mason, Metlen, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Parker (Broadwater), Ralston, Reardon (Deer Lodge), Roll, Shannon, Somerville, Spangler, Stiefel, Sullivan, Waite, Watson (Meagher), Watson (Missoula), Wigal, Woodcock, Mr. Speaker. Total 44.

Absent and not voting: Balgord, Blankenbaker, Givens, Snidow, White. Total 5.

The Speaker: Fifty-two have voted "aye," forty-four have voted "no"; motion was carried.

Whereupon, motion by Shannon to adopt report of the Committee of the Whole was adopted as amended.

It was moved by Besancon, duly seconded and carried that House Bill No. 28 be considered correctly engrossed and placed on Third Reading.

THIRD READING OF HOUSE BILLS

Without objection, Bills on Third Reading were read by history and title only.

House Bill No. 28 introduced by Replogle, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Beadle, Besancon, Bjorneby, Byrne, Chapman, Conner, Cusker, Daugherty, Doe, Duffy, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Hilger, Holecek, Jensen, Kruse, Kuhl, Lewis, Logan, Lott, Love, McDermott, McElwain, Manning, Marshall, Miles, Miller (Lincoln), Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ralston, Rearden (Cascade), Replogle, Rognlien, Rolph, Schuster, Setzer, Shannon, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Strange, Trenne, Ueland, Watson (Missoula), Whaley, Wigal. Total 69.

Noes: Arnold, Breitenstein, Campbell, Doran, Ecton, Goodwin, Grabow, Harrington, Knowles, Larsen, McCarvel, Mason, Metlen, Miller (Big Horn), Moss, Nelstead, Ragen, Reardon (Deer Lodge), Roll, Somerville, Stiefel, Sullivan, Waite, Watson (Meagher), Mr. Speaker. Total 25.

Absent and not voting: Balgord, Blankenbaker, Ferry, Givens, Snidow, White. Total 6.

The following passed their vote. Woodcock. Total 1.

The Speaker: Sixty-nine have voted "aye"; twenty-five have "no"; House Bill No. 28 has passed the House.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded, that the House proceed to Order of Business No. 10.

On substitute motion, it was moved by Moss, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Thursday, December 21st.

Whereupon motion by Besancon, was lost.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

TWENTY-FIFTH DAY

House of Representatives.
Helena, Montana, December 21, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Balgord, Blankenbaker, Givens, Snidow, White, excused.

REPORTS OF STANDING COMMITTEES

December 20, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

Sub. for Sub. H. B. No. 13, No. 48, No. 52, No. 55, No. 47 and H. B. No. 59.

ROLPH, Chairman.

Without objection report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

December 21, 1933.

The Speaker,
House of Representatives,
Helena, Montana.

I have the honor to advise you that I have this day approved House Joint Resolution No. 3, "urging the passage and approval of appropriate legislation by the next session of Congress providing for a sufficient protective tariff for the promotion and betterment of the domestic manganese industry."

F. H. COONEY, Governor.

It was moved by Besancon, duly seconded and carried, that messages from the Senate be considered read at length and the Journal so show.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House bills were this day read three several times, concurred in, title and history agreed to, and bills are herewith returned to the House:

H. J. M. No. 4 by Daugherty, et al.

H. B. No. 29, by McDermott and Pearson of Deer Lodge.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read three several times and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence.

Senate Joint Memorial No. 5, by Committee on Irrigation and Water Rights.

S. B. No. 11 by Walker.

Sub. S. B. No. 19, by Committee on Banks and Banking.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day gave notice that he was about to sign, and did sign:

S. B. No. 7, by Wass.

S. J. M. No. 1, by Reed.

H. J. R. No. 3, by Sullivan et al.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day, in accordance with the motion of yesterday by Senators Husband, Parkin, Burr, Garber and Duncan, relative to investigating certain insurance on state-owned property, appointed the following Senators to act as such committee.

Senators Parkin, Garber and Rowland.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 31 be amended in the committee amendments by striking out the words and figures, \$150,000.00, and inserting in lieu thereof the words and figures, \$100,000.00.

That H. B. No. 31 be amended in the Committee amendment to Section 1 of H. B. 31 by adding the word "stocking" after the word "establishment."

And as so amended, recommend said bill be concurred in.

That consideration of House Sub. for H. B. No. 5 be passed.

That Sub. for H. B. No. 18 be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Campbell, duly seconded and carried, House Bill No. 31 was taken from General File and re-referred to Committee on Finance and Claims.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Finance and Claims this day, having had under consideration H. B. No. 31, recommend the same for concurrence, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Engrossed Bills: That S. B. No. 19 has been correctly engrossed, report adopted.

Committee on Printing: That S. B. No. 21 has been correctly printed, report adopted.

Committee on Enrolled Bills: That S. B. No. 7 and S. J. M. No. 1 have been correctly enrolled and duly verified, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That consideration of Sub. for H. B. No. 5 be passed temporarily.

That consideration of Sub. for H. B. No. 6 be passed.

That H. B. No. 10 be concurred in.

That consideration of Sub. H. B. No. 18 be passed temporarily.

That consideration of H. B. No. 31 be passed temporarily.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day introduced without previous notice by unanimous consent of the Senate, read first and second time and referred to Committee on Judiciary:

S. B. No. 22, by Campbell, Coburn, Galt and Larson:

A bill for an Act entitled: "An Act regulating the salary of vendors and also every officer, inspector, clerk or other employee to be employed by the Montana Liquor Control Board in the State of Montana."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced in the Senate, read first and second time, and referred to committees:

H. B. No. 32, by Committee on Appropriations—Referred to Committee on Finance and Claims.

H. B. No. 46, by Haight and Holecek—Referred to Committee on Taxation.

H. B. No. 58, by Byrne—Referred to Committee on Oils and Leases.

H. B. No. 42, by Knowles—Referred to Committee on State Boards and Offices.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Carroll was this day adopted:

"I move that a committee be appointed to report to this body what members of the Senate were receiving the payments called premiums under the old fire insurance set-up; together with the amounts thereof."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 20, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Husband was this day adopted:

"I move that the President of the Senate appoint a member of the Senate as a delegate to the Regional Conference of eleven western states to be held in Salt Lake City, Utah, in June, 1934, for the purpose of

adopting uniform motor vehicle laws of registration for the various western states; with the understanding that such delegate attend such conference at his own expense." Thereupon the President pro tem appointed Senator Husband to act as such delegate at his own expense.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Rognlien, duly seconded and carried that House Bill No. 67 be re-referred to Committee on Revenue and Taxation.

It was moved by Groene, duly seconded that the Ways and Means Committee be directed to report to the House before matters were taken up on General Orders, the amount necessary for the purpose of relief and the purpose of taking care of the General Fund. Motion was lost.

It was moved by Besancon, duly seconded and carried, that the Engrossing Committee be authorized to correct House Bill No. 30 in the title by putting Section 43 among the sections repealed.

It was moved by Besancon, duly seconded and carried that the Engrossing Committee be authorized to enter the enacting clause in Substitute House Bill No. 64.

It was moved by Besancon, duly seconded and carried, that House Bill No. 12 be placed at the head of the list on General Orders.

It was moved by Breitenstein, duly seconded and carried, that the delegation authorized in the motion of yesterday to attend a Uniform Motor Vehicle Conference at Salt Lake City in June 1934 be enlarged from one to two members.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

Without objection, by unanimous consent the following bill was introduced without notice, read first and second time at length and referred to Committee on Appropriations:

House Bill No. 73, introduced by Committee on Appropriations.

A bill for an Act entitled: "An Act to appropriate money from the state highway fund for the operation and maintenance of the Horticultural Division of the Department of Agriculture, Labor and Industry for the period beginning January 1, 1934, and ending June 30, 1935, and additional to and supplementing the appropriations made for such office by the Twenty-third Legislative Assembly in regular session."

The following bills were introduced, read first and second times and referred to committees:

Senate Substitute for Senate Bill No. 19, introduced by Committee on Banks and Banking:

A bill for an Act entitled: "An Act providing for the amendment of the articles of incorporation or agreement of any commercial bank, saving bank, trust company or investment company by providing for the issuance of preferred stock; authorizing any such bank or company hereafter formed to provide in its articles for the issuance of such stock; providing the terms and conditions upon which such stock may be issued and sold, and repealing all Acts and parts of Acts in conflict herewith."

Referred to Committee on Banks and Banking.

Senate Bill No. 11, introduced by Walker: A bill for an Act entitled: "An Act to amend Section 1, of Chapter 40, Session Laws of 1933, Montana, relating to expenses of officers and employees of the State of Montana."

Referred to Committee on State Board and Officers.

Senate Joint Memorial No. 5, introduced by Nutting.

A Memorial to the President of the United States of America requesting an investigation of water control of the Yellowstone River in Yellowstone Park.

Referred to Committee on Irrigation and Water Rights.

THIRD READING OF HOUSE BILLS

It was moved by Besancon, duly seconded and carried, that the House pass Order of Business No. 9 and take up Order of Business No. 10.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Marshall in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration, the following:

House Bills Nos. 12, 37, 41, 51, 56, 57, 60, 61, 66, 69, 63 and 34, beg leave to report as follows:

That printed House Bill No. 12 be amended as follows: Amend Section 1, by striking out in line 7 after the words "State of Montana," all of the remainder of said Section 1, and inserting in lieu thereof the words "showing the gross amount of money received on account of sales of electricity and electrical energy during the preceding calendar month without any deduction, and shall pay a license tax thereon in the sum of one per cent (1%) of such gross amount as shown on such statement in the manner and within the time hereinafter provided." And amend Section 2 by striking out in line 2 after "1934" all the rest of the section and inserting in lieu thereof the words "No bill, statement or account rendered or given any customer by any organization affected by the provisions of this Act shall set out or contain, as a separate item, any amount on account or by reason of the license tax imposed by this Act." And amend Section 3 by striking out in lines 2 and 3 "place same to the credit of the General Fund" and inserting in lieu thereof the words "distribute the same to March 31, 1935, as follows: Forty per cent (40%) thereof to the Emergency Relief Fund, Forty per cent (40%) thereof to the Unemployment Relief Fund, Fifteen per cent (15%) thereof to the General Fund and Five per cent (5%) thereof to the Common School Interest and Income Fund and after March 31, 1935, the same shall be distributed as follows: Fifty per cent (50%) to the General Fund, Twenty-five per cent (25%) to the Common School Interest and Income Fund and Twenty-five per cent (25%) to the Common School Equalization Fund." And amend Section 5 by striking out in line 5 of said Section 5 after the word "Treasurer," all of the remainder of said Section 5 and inserting in lieu thereof the words: "Showing the gross proceeds received for or on account of all sales of electricity and electrical energy. The books and records of such producer shall be subject to inspection by the State Board of Equalization, its agents or employees, during reasonable hours." And as amended do pass.

Committee begs leave to sit again.

MARSHALL, Chairman.

It was moved by Besancon, duly seconded and carried, that House Bill No. 12 be considered correctly engrossed and placed at the head of Third Reading.

It was moved by Besancon, duly seconded and carried, that the House proceed with the Third Reading of House Bills.

THIRD READING OF HOUSE BILLS

Without objection, bills on Third Reading were read by history and title only.

A call of the House was demanded by the required vote.

It was moved by Nelstead, duly seconded and carried, that call of the House be dispensed with.

House Bill No. 12, introduced by Albert B. Replogle, having been read three several times, history and title agreed to was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 91.

Noes: Doran, Goodwin, Jensen, McDermott. Total 4.

Absent and not voting: Balgord, Givens, Snidow, Waite, White, Blankenbaker. Total 6.

Mr. Speaker: Ninety-one have voted "aye"; four have voted "no"; House Bill No. 12 has passed the House.

Substitute for Substitute House Bill No. 13 introduced by Groene and Revenue and Taxation Committee; having been read three several times, history and title agreed to, failed to pass by the following vote:

Ayes: Abrahamson, Annin, Arnold, Breitenstein, Byrne, Campbell, Daugherty, Doe, Ferry, Fitzstephens, Goodwin, Grabow, Groene (Fergus), Hagerty, Harlen, Hilger, Holecek, Jensen, Kuhl, Larsen, McCarvel, McDermott, Mason, Metlen, Mulholland, Nutting, Parker (Broadwater), Pilgeram, Ragen, Ralston, Rearden (Cascade), Replogle, Schuster, Somerville, Watson (Meagher). Total 35.

Noes: Acher, Anderson, Ballard, Beadle, Besancon, Bjorneby, Chapman, Conner, Duffy, Ecton, Findlater, Fowler, Freed, Freudenstein, Green (Dawson), Haight, Harrington, Kruse, Lewis, Logan, Lott, Love, McElwain, Manning, Marshall, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Nelstead, O'Connell, O'Shea, Parker (Flathead), Pierson, Porter, Quamme, Reardon (Deer Lodge), Rognlien, Rolph, Setzer, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 55.

Absent and not voting: Balgord, Blankenbaker, Doran, Givens, Nass, Shannon, Snidow, White. Total 8.

Passed: Cusker, Knowles, Roll. Total 3.

Mr. Speaker: Thirty-five have voted "aye"; fifty-five have voted "no"; Substitute for Substitute House Bill No. 13 has failed to pass the House.

House Bill No. 48 introduced by Haight and Holecek, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Chapman, Conner, Daugherty, Doe, Duffy, Ferry, Fowler, Freed, Green (Dawson), Haight, Harrington, Holecek, Jensen, Kruse, Kuhl, Lewis, Lott, Love, McElwain, Manning, Marshall, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Ralston, Rearden (Cascade), Replogle, Rognlien, Rolph, Schuster, Setzer, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Strange, Trenne, Ueland, Watson (Missoula), Whaley, Woodcock, Mr. Speaker. Total 62.

Noes: Arnold, Campbell, Doran, Ecton, Findlater, Fitzstephens, Goodwin, Grabow, Groene (Fergus), Hagerty, Harlen, Hilger, Knowles, Larsen, Logan, McCarvel, McDermott, Mason, Metlen, Porter, Quamme, Ragen, Reardon (Deer Lodge), Roll, Somerville, Stiefel, Waite, Watson (Meagher), Wigal. Total 29.

Absent and not voting: Balgord, Blankenbaker, Cusker, Freudenstein, Givens, Moss, Shannon, Snidow, Sullivan, White. Total 10.

Mr. Speaker: Sixty-two have voted "aye"; twenty-nine have voted "no"; House Bill No. 48 has passed the House.

House Bill No. 52 introduced by Committee on Revenue and Taxation, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Harlen, Harrington, Hilger, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Trenne, Ueland, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 88.

Noes: None.

Absent and not voting: Arnold, Balgord, Blankenbaker, Givens, Haight, Holecek, Moss, Shannon, Snidow, Strange, Sullivan, Waite, White. Total 13.

Mr. Speaker: Eighty-eight have voted "aye"; none have voted "no"; House Bill No. 52 has passed the House.

House Bill No. 55 introduced by Watson of Meagher, and Ralston, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, McCarvel, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 86.

Noes: None.

Absent and not voting: Arnold, Balgord, Blankenbaker, Conner, Doe, Freed, Givens, Knowles, Love, McDermott, Metlen, Moss, O'Connell, Snidow, White. Total 15.

Mr. Speaker: Eighty-six have voted "aye"; none have voted "no"; House Bill No. 55 has passed the House.

House Bill No. 47 introduced by Stephens of McCone, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Holecek, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Sullivan Ueland, Watson (Missoula), Wigal, Woodcock, Mr. Speaker. Total 79.

Noes: Green, Hilger, Miles, Nelstead, Quamme, Ragen, Ralston, Trenne, Waite. Total 9.

Absent and not voting: Arnold, Balgord, Blankenbaker, Findlater, Givens, Jensen, Metlen, Snidow, Stevens (Wheatland), Strange, Watson (Meagher), Whaley, White. Total 13.

Mr. Speaker: Seventy-nine have voted "aye"; nine have voted "no"; House Bill No. 47 has passed the House.

House Bill No. 59 introduced by O'Connell, Beadle, Kuhl, O'Shea and Daugherty, having been read three several times, history and title agreed to, failed to pass by the following vote:

Ayes: Anderson, Annin, Ballard, Beadle, Besancon, Bjerneby, Chapman, Daugherty, Green (Dawson), Haight, Holecek, Kuhl, Lewis, Love, Manning, Miles, O'Connell, O'Shea, Parker (Flathead), Pierson, Sparling, Stephens (McCone), Stevens (Wheatland), Strange, Trenne, Ueland, Whaley. Total 27.

Noes: Abrahamson, Acher, Arnold, Breitenstein, Byrne, Campbell, Conner, Cusker, Doe, Doran, Ecton, Ferry, Findlater, Fitzstephens, Freudenstein, Goodwin, Grabow, Groene (Fergus), Hagerty, Harlen, Harrington, Hilger, Jensen, Knowles, Kruse, Larsen, Logan, Lott, McCarvel, McDermott,

McElwain, Marshall, Mason, Metlen, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, Parker (Broadwater), Pilgeram, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Setzer, Shannon, Somerville, Spangler, Stiefel, Sullivan, Waite, Watson (Meagher), Watson (Missoula), Wigal, Woodcock, Mr. Speaker. Total 63.

Absent and not voting: Balgord, Blankenbaker, Duffy, Fowler, Freed, Givens, Porter, Ralston, Rolph, Snidow, White. Total 11.

Mr. Speaker: Twenty-seven have voted "aye"; sixty-three have voted "no"; House Bill No. 59 failed to pass the House.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the Engrossing Committee be authorized to correct the title of House Bill No. 12 by inserting after the word "on" in the first line, the following "the gross proceeds of."

The following resolution was adopted on motion of Watson of Meagher duly seconded and carried.

HOUSE RESOLUTION NO. 4

WHEREAS, there is in progress in and about the state capitol building various projects for the repair, alteration and rearrangement of the said capitol building and the grounds adjacent thereto; and

WHEREAS, the Legislative Assembly deems it in the public interest that the method of financing said projects, the manner in which said projects have been chosen or originated, the methods of supervision adopted, the amounts to be expended and method of disbursements of expenditures follows, should be fully known and understood by the members of the Legislative Assembly and the public;

NOW, THEREFORE, BE IT RESOLVED, That the Speaker of the House of Representatives, be authorized and empowered and directed to appoint a special committee consisting of five members of the said House of Representatives for the purpose of making proper and suitable inquiry into the various projects now in progress, or contemplated, in and about the state capitol building having to do with the repair, alteration or rearrangement of said capitol building and the grounds adjacent thereto, with full power in the said committee to hold hearings, subpoena witnesses, receive evidence and to fully investigate the said subject matter in any and all of its various phases, and to report its findings to the House of Representatives.

ROLL,
WATSON (Meagher),
ARNOLD.

It was moved by O'Connell, duly seconded, that the House reconsider action taken on House Bill No. 12. Motion was lost.

Without objection, General Orders were passed until the afternoon session.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

MOTIONS AND RESOLUTIONS

It was moved by Rognlien, duly seconded and carried, that House Bill No. 30 be taken from Engrossing Committee and referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing beg leave to report the following bills correctly printed:

H. B. No. 7, No. 20, No. 68, No. 71, No. 72, Reprint No. 30, H. J. M. No. 5.

SOMERVILLE, Chairman.

Without objection, report adopted.

December 21, 1933.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 18 entitled:

"An Act to repeal that certain law relating to the authorizing of commercial banks, savings banks, trust companies, and investment companies to issue non-assessable preferred stock without liability on the holder other than to pay the original subscription price, and to borrow money for capital purposes, and to obtain the consent of the stockholders to amend the articles of incorporation for such purposes, which said law is contained in Senate Bill No. 4 of the Extraordinary Session of the Twenty-third Legislative Assembly."

Respectfully report as follows: That Senate Bill No. 18 be concurred in.

MILLER (Lincoln), Chairman.

On motion of Miller, report adopted.

December 21, 1933.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 17, entitled: "An Act to amend Section 4767 of the Revised Codes of Montana of 1921, as amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly, and as further amended by Chapter 137 of the Laws of the Nineteenth Legislative Assembly, and as further amended by Chapter 134 of the Laws of the Twentieth Legislative Asesembly, and as further amended by Chapter 49 of the Twenty-first Legislative Assembly, relating to the deposit of county, city and town funds."

Respectfully report as follows: That Senate Bill No. 17, be concurred in.

MILLER (Lincoln), Chairman.

On motion of Miller, report adopted.

December 21, 1933.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 20 entitled:

"An Act to authorize commercial banks, savings banks, trust companies and investment companies to issue and negotiate capital notes or debentures and to borrow money for capital purposes, and fixing the status of such capital."

Respectfully report as follows: That Senate Bill No. 20 be concurred in.

MILLER (Lincoln) Chairman.

On motion of Miller (Lincoln), report adopted.

December 21, 1933.

Mr. Speaker: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 19, entitled:

"An Act providing for the amendment of the articles of incorporation or agreement of any commercial bank, savings bank, trust company or investment company, by providing for the issuance of preferred stock; authorizing any such bank or company hereafter formed to provide in its articles for the issuance of such stock; providing the terms and conditions upon which such stock may be issued and sold, and repealing all Acts and parts of Acts in conflict herewith."

Respectfully report as follows: That Senate Bill No. 19, be concurred in.

MILLER (Lincoln) Chairman.

On motion of Miller (Lincoln), report adopted.

December 21, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 67, entitled:

A bill for an Act entitled: "An Act to provide emergency relief by the creation of high school districts and authorizing the boards of trustees of said high school districts to borrow money and to enter into contracts and arrangements for the repair and construction of buildings and public works, providing for elections and procedure to be followed by high school districts."

Respectfully report as follows: That House Bill No. 67, do not pass.

But that Substitute House Bill No. 67 entitled: A bill for an Act entitled: "An Act to provide emergency relief by the creation of high school districts and authorizing the boards of trustees of said high school districts to borrow money and to enter into contracts and arrangements for the repairs and construction of buildings and public works, providing for elections and procedure to be followed by high school districts."

Be reported out without recommendation to be printed and placed on General Orders.

ROGNLIEN, Chairman.

On motion of Stiefel, report adopted.

December 21, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

Sub. H. B. No. 64, H. B. No. 43.

ROLPH, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that Senate Bill No. 18 be placed at the head of the list on General Orders.

It was moved by Besancon, duly seconded and carried, that Substitute House Bill No. 67 be considered correctly printed and placed on General Orders.

THIRD READING OF HOUSE BILLS

Without objection, bills on Third Reading were read by history and title only.

Substitute House Bill No. 64, introduced by Grabow, having been read three several times history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Campbell, Chapman, Cusker, Daugherty, Doe, Doran, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Givens, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 93.

Noes: None.

Absent and not voting: Balgord, Blankenbaker, Byrne, Conner, Duffy, Moss, Snidow, White. Total 8.

Mr. Speaker: Ninety-three have voted "aye"; none have voted "no"; Sub. House Bill No. 64 has passed the House.

House Bill No. 43, introduced by Revenue and Taxation Committee, having been read three several times, history and title agreed to was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Roll, Rolph, Schuster, Setzer, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 92.

Noes: Annin. Total 1.

Absent and not voting: Balgord, Blankenbaker, Byrne, Givens, Moss, Rognlien, Snidow, White. Total 8.

The following passed their vote. Haight. Total 1.

The Speaker: Ninety-two have voted "aye"; one has voted "no"; House Bill No. 43 has passed the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Marshall in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: Senate Bill No. 18, Substitute House Bill No. 37, and House Bill No. 41, beg leave to report as follows:

That Senate Bill No. 18 be concurred in.

That Substitute House Bill No. 37 be amended as follows:

That the entire Section 5 be stricken out and subsequent sections re-numbered accordingly, and as amended, do pass.

That House Bill No. 41 be amended as follows:

All amendments refer to reprinted bill unless otherwise stated.

Amend Section 1 by adding after the period in line 23, the following: "provided further that stores doing a gross business of less than \$10,000.00 per year shall not be grouped under the provisions of this section for the purpose of computing the license fee provided for in this Act, but shall be taxed individually." And amend

Section 3 by striking out in line 4 after the word "establishments" the following: "except stores operated by public utility companies doing a gross business of less than \$5,000 per year for the sale of equipment to be used in the consumption of their product" and by adding at the end of Section 3 the following: "provided further that stores doing a gross business of less than \$10,000.00 per year shall not be grouped under the provisions of this section for the purpose of computing the license fee provided for in this Act, but shall be taxed individually." And as amended do pass.

MARSHALL, Chairman.

On motion of Marshall, report adopted.

REPORTS OF STANDING COMMITTEES

December 21, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

H. B. No. 9. H. B. No. 25.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

December 21, 1933.

We hereby certify that we have this day received enrolled House Bill No. 9, and same has been found to be correct.

MARSHALL.

December 21, 1933.

We hereby certify that we have this day received enrolled House Bill No. 25, and same has been found to be correct.

W. P. PILGERAM,
JOHN REARDON.

The Speaker announced he was about to sign House Bill No. 9, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 25, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House of the twenty-fourth legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

The following motion was made by Besancon, duly seconded and carried:

Mr. Speaker: I move that by and with the concurrence of the Senate, Joint Rule 23 be amended to read as follows:

No. 23. No bills transmitted by the House to the Senate, nor by the Senate to the House, after the 26th day of the Extraordinary Session, shall be considered, with the exception of bills considered by a Joint Conference Committee. Bills from said committees may be transmitted at any time up to and including the last day of this session. Joint Rule No. 19, however, shall be in full force and applicable as to Rule No. 24.

BESANCON.

It was moved by Besancon, duly seconded and carried that Senate Bill No. 18 be placed on Third Reading.

THIRD READING OF SENATE BILLS

Without objection, bills on Third Reading were read by history and title only.

Senate Bill No. 18 introduced by Committee on Banks and Banking, having been read three several times, title and history agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Love, McCarvel, McDermott, McElwain, Marshall, Metlen, Miles, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Setzer, Somerville, Spangler, Sparling, Stiefel, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 82.

Noes: Goodwin. Total 1.

Absent and not voting: Balgord, Blankenbaker, Givens, Larsen, Lewis, Logan, Lott, Manning, Mason, Miller (Big Horn), Roll, Schuster, Shannon, Snidow, Stephens (McCone), Stevens (Wheatland), Strange, White. Total 18.

The Speaker: Eighty-two have voted "aye"; one has voted "no"; Senate Bill No. 18 has been concurred in by the House.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the Speaker appoint a conference committee to meet with like committee on Senate Bill No. 10.

The Speaker designated Metlen of Beaverhead, Parker of Broadwater and Quamme of Pondera to act as Conference Committee on Senate Bill No. 10.

The Speaker designated Breitenstein of Hill and Sparling of Sheridan as the delegation to attend the Uniform Motor Vehicle Conference at Salt Lake City, under motion made by Breitenstein, December 19th and today.

The Speaker designated Haight of Fergus, Groene of Fergus, Doe of Granite, Watson of Meagher, and Roll of Cascade to investigate repairs being made in capitol under resolution made today.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that H. B. No. 70, by Appropriations Committee, was this day read three several times and concurred in, title and history agreed to, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

The following Memorial was introduced, read at length and adopted:

HOUSE MEMORIAL NO. 2

Introduced by Beadle and O'Connell. A Memorial to the President of the United States requesting the use of copper wire in the construction of a high tension power line from Great Falls, Montana, to the Fort Peck Dam.

To His Excellency the President of the United States:

WHEREAS, The Government of the United States is about to engage in the construction of the Fort Peck Dam, a project entirely within the State of Montana; and

WHEREAS, A high tension power line 279 miles or more in length and extending from Great Falls, Montana, to the site of said dam, will be required to expedite the construction thereof; and

WHEREAS, copper wire is the best and most durable, and, in the long run, the cheapest conductor of electricity known to man; and

WHEREAS, The copper industry is one of the most important industries in the State of Montana and at the present time one of the most depressed; and

WHEREAS, There exists in the city of Great Falls a mill fully equipped to manufacture copper wire of any size and in almost any quantity; and

WHEREAS, Many miners, smeltermen and millmen, now out of work in the State of Montana, would be re-employed in the event copper wire were selected for use in the construction of said power line;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Montana that His Excellency the President of the United States be memorialized to order the use of Montana copper wire exclusively in the construction of a high tension power line from Great Falls, Montana, to the site of the Fort Peck Dam; and

BE IT FURTHER RESOLVED, That a copy of this memorial be immediately forwarded to His Excellency the President of the United States.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills No. 9 and No. 25, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 4:05 o'clock, P. M. delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

December 21, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 30, entitled:

A bill for an Act entitled: "An Act relating to the licensing and regulation of the manufacture, sale and distribution of beer and other similar beverages, and to amend 2, 3, 9, 13, 14, 17, 18, 20, 28, 30, 32, 43, 45, 48, and 49, and to repeal Sections 21, 22, 23, 24, 25, 26, 27, 38, 39, 41 and 42, of Chapter 106, Laws of 1933, relating thereto."

Respectfully report as follows: That House Bill No. 30, do not pass.

But that Substitute House Bill No. 30 entitled:

A bill for an Act entitled: "An Act relating to the licensing and regulation of the manufacture, sale and distribution of beer and other similar beverages. And to amend Sections 2, 3, 9, 13, 14, 17, 18, 20, 28, 30, 32, 45, 48 and 49, and to repeal Sections 21, 22, 23, 24, 25, 26, 27, 38, 39, 41, 42 and 43 of Chapter 106, Laws of 1933, relating thereto." Do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Nelstead, duly seconded and carried, that Substitute House Bill No. 30 be considered properly printed and placed on General Orders.

It was moved by Replogle, duly seconded and carried, that the House reconsider its action on Substitute for Substitute House Bill No. 13.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders, that all bills be read by history, title and section numbers only, that debate on all bills be limited to ten minutes for the author or proponent for both his opening and closing, and to ten minutes for the principle opponent, all debate by other members to be limited to two minutes, no member to speak more than once until all other members have been heard.

Marshall in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: Substitute House Bill No. 30, House Bills Nos. 51, 56, 57, 60, beg leave to report as follows:

That Substitute House Bill No. 30 do pass.

That House Bill No. 51 do pass.

That the enacting clause be stricken from House Bill No. 56.

That House Bill No. 60 be amended as follows:

Amend Section 2, line 4, of the printed bill after the word "undertaking" the following:

"That this Act shall apply only to future contracts, and to contracts when the contract price amounts to the sum of \$25,000.00 or more." and,

Amend Section 10 of the printed bill by striking out all of said section and inserting in lieu thereof the following: "Section 10. The administration of the provisions of this Act shall be conducted by the State Board of Equalization and the expense of carrying out the provisions of this Act, including the necessary clerical help and cost of stamps, printing and incidental expenses, shall be defrayed out of the funds collected thereunder, said expenses to be approved by the State Board of Examiners, and the State Board of Equalization shall at the end of each month pay over to the State Treasurer the amount of all fees collected under this Act.

The revenues collected under the provisions of this Act less the expenses incurred in the administration of this Act, shall be distributed and deposited by the State Treasurer as follows: Forty (40) per cent thereof shall be distributed to the Emergency Relief Fund; Forty (40) per cent thereof shall be distributed to the Unemployment Relief Fund; Fifteen (15) per cent thereof shall be distributed to the General Fund of the state; and Five (5) per cent thereof shall be distributed to the Common School Interest and Income Fund and provided further, that after March 1, 1935, all of said moneys shall be distributed as follows: Fifty per cent (50%) to the General Fund, Twenty-five per cent (25%) to the Common School Interest and Income Fund, Twenty-five per cent (25%) to the Common School Equalization Fund." And as amended do pass.

That House Bill No. 57 be amended as follows:

Amend Section 9 of the printed bill by striking lines 1 and 2 and the words "Relief Fund" in line 3 and inserting the following: Forty per cent (40%) to the Emergency Relief Fund, Forty per cent (40%) to the Unemployment Relief Fund, Fifteen per cent (15%) to the General Fund of the State of Montana and Five per cent (5%) to the Common School Interest and Income Fund and after the word "Act" in line 5 add "50%" and at the end of line 6 add "and 25% to the Common School Interest and Income Fund and 25% to the Common School Equalization Fund, and amend Section 1 of the printed bill in line 5 by adding after the word "corporation" the words, "provided, however, that no bill, statement or account rendered or given any customer by any telephone company shall set out or contain, as a separate item, any amount on account or by reason of the license tax imposed by this Act. Every person, firm, co-partnership, association, joint stock company, syndicate, or any corporation affected by the provisions of this Act shall be permitted to claim as exempt from the tax imposed by this Act any revenue accruing from telephone instruments where the rate charged the customer therefor does not exceed Two Dollars (\$2.00) per month for residence phone, or Three Dollars (\$3.00) per month for business house or office phone." And as amended do pass.

MARSHALL, Chairman.

On motion of Marshall, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that messages from the Senate be considered read at length and the Journal so show.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Bill No. 21, by Ruffcorn and Donovan, was this day read three several times and passed, title and history agreed to, and bill is herewith transmitted to the House for concurrence.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that H. J. M. No. 3, by O'Connell, Freudenstein and Beadle, was this day recommended for non-concurrence by the Senate Committee on Insurance, report adopted, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that H. B. No. 26 was this day received from the House, and on motion of Senator Church the Senate's action on H. B. No. 26 was segregated from the Committee of the Whole report of December 19th, and said report adopted with the omission of H. B. No. 26. H. B. No. 26 was then referred to General File for today.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced in the Senate, read first and second time, and referred to committees:

H. B. No. 28, by Replogle—Referred to Committee on Taxation.

H. B. No. 70, by Appropriations Committee—Referred to Committee on Finance and Claims.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day introduced by suspension of the rules, without previous notice, read first and second time and referred to Committee on Judiciary:

S. B. No. 23, by Husband, Garber and Melton:

A bill for an Act entitled: "An Act to amend Section 29 of Chapter 105 of the Laws of the Twenty-third Legislative Assembly of the State of Montana, relating to the sale of of liquor."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That S. B. No. 21 do pass.

That House Sub. for H. B. No. 5 be amended by striking out in Section 4, line 6, after the word "apportioned" all of the balance of said line and all of lines 7, 8, 9, 10, 11 and all of line 12 up to and including the word "society" and inserting in lieu thereof the words "to the Emergency Relief Fund of the Montana Relief Commission."

And as so amended, recommend said Sub. H. B. No. 5 be concurred in.

That H. B. No. 26 be amended in Section 1 by striking out in line 7 the word "notarized."

Amend in Section 1 by adding in line 4 immediately after the word "who" the words, "may grant an order for temporary relief, but", and by adding after the word "any" where used the second time in line 4 the word "permanent."

And as so amended, recommend said H. B. No. 26 be concurred in.

That Sub. H. B. No. 6 be amended in Section 5 by striking out in line 1 the figure "8", and inserting in lieu thereof the figure "4".

Amend in Section 5 by striking out in line 6, original bill, the word "eight", and inserting in lieu thereof the word "four."

Amend in Section 5 by striking out in line 7, original bill, the figure "8" and inserting in lieu thereof the figure "4".

Amend in Section 9, as amended by Taxation Committee, by inserting in line 1 after the word "apply" the word "also."

And as so amended, recommend said Sub. H. B. No. 6 be concurred in.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Standing Committees this day reported as follows:

Committee on Judiciary: That S. B. No. 14 be amended by striking out in Section 1, line 23, original bill, the word and figure "six (6%)" and inserting in lieu thereof the word and figure "four (4%)".

Further amend Section 1 by striking out lines 24 to 31 inclusive and inserting the following:

"Provided further that in the case of real estate, the Board of County Commissioners may in its discretion exchange said real estate for bonds issued by the Home Owners Loan Corporation, or any bonds, debentures, or other securities issued by any company or corporation organized under any Act of the Congress of the United States upon which said bonds, debentures or other securities the interest or principal is guaranteed by the United States. Such bonds may be taken at not more than the par value thereof, as to all or any part of the purchase price, all in accordance with the terms

and conditions as in this Act provided; and no such bonds may be accepted for part or full payment if the purchase price shall be less than the appraised value as set by the Board of County Commissioners.

"The County Treasurer shall hold such bonds, debentures or other securities and collect the interest thereon and the principal thereof when due; all money collected or received shall be distributed as hereinafter provided."

Further amend by adding a new Section, numbered "Section 3" to read as follows:

"Section 3. Nothing herein contained shall be held or construed as an amendment or modification of Chapter 65, Laws of 1933."

Amend by renumbering the original Section 3 to read "Section 4." And as so amended, recommend bill do pass, report adopted.

Committee on Judiciary: That S. B. No. 12, by Clifford, do not pass, report adopted.

Committee on Judiciary (minority): That S. B. No. 22 do not pass, for the reason it does not come within the call of the Governor. Majority of committee recommended that S. B. No. 22 be amended by adding the following to Section 1 at the beginning thereof: "That all salaries of vendors and assistant managers employed by the Montana Liquor Control Board shall be as follows:"

And as so amended, recommend said S. B. No. 22 do pass.

Majority report adopted.

Committee on Judiciary: That H. B. No. 17 be concurred in. Report adopted.

Committee on Judiciary: That S. B. No. 15 do not pass. Report adopted.

Committee on Insurance: That H. J. M. No. 3 be not concurred in. Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bill was introduced, read first and second time and referred to Committee on Education.

Senate Bill No. 21 introduced by Ruffcorn and Donovan.

A bill for an Act entitled: "An Act to permit school districts which are indebted to the limit as provided by the Constitution of the State of Montana to operate on a cash basis."

It was moved by Besancon, duly seconded and carried, that the House adjourn until 9:00 o'clock Friday, December 22nd.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

TWENTY-SIXTH DAY

House of Representatives,
Helena, Montana, December 22, 1933.

House convened, pursuant to adjournment, at 9:00 o'clock.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Balgord, Blankenbaker, Setzer, Snidow, Spangler, White, Givens, excused.

REPORTS OF STANDING COMMITTEES

December 21, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

H. B. No. 70.

L. E. LARSEN, Chairman.

Without objection, report adopted.

December 21, 1933.

We hereby certify that we have this day received Enrolled House Bill No. 70, and same has been found to be correct.

JOHN ARNOLD.

December 21, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

H. J. M. No. 4.

H. B. No. 29.

L. E. LARSEN, Chairman.

Without objection, report adopted.

December 21, 1933.

We, hereby certify that we have this day received Enrolled House Joint Memorial No. 4, and same has been found to be correct.

DAUGHERTY (Fallon).

December 22, 1933.

We hereby certify that we have this day received Enrolled House Bill No. 29, and same has been found to be correct.

RAY REARDON.

The Speaker announced he was about to sign House Bill No. 70, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Joint Memorial No. 4, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 29, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that Substitute for Substitute House Bill No. 13 be taken from Third Reading and placed on head of list on General Orders.

It was moved by Rognlien, duly seconded, that the House reconsider action on House Bill No. 56.

On substitutue motion, it was moved by Beadle, duly seconded, that the motion of Rognlien to reconsider House Bill No. 56 be indefinitely postponed.

A roll call was demanded by the required number on the substitute motion by Beadle and was carried by the following vote:

Ayes: Acher, Anderson, Ballard, Beadle, Breitenstein, Chapman, Conner, Daugherty, Doe, Duffy, Ferry, Freed, Freudenstein, Green (Dawson), Haight, Harlen, Harrington, Hilger, Holecek, Kruse, Kuhl, Lewis, Love, Manning, Mason, Miles, Miller (Big Horn), Moss, Mulholland, Nass, Nestead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Rolph, Schuster, Sparling, Stephens (McCone), Stevens (Wheatland), Sullivan, Trenne, Ueland, Waite, Whaley. Total 51.

Noes: Abrahamson, Annin, Arnold, Besancon, Bjerneby, Campbell, Cusker, Doran, Ecton, Findlater, Fitzstephens, Fowler, Goodwin, Grabow, Groene (Fergus), Hagerty, Jensen, Knowles, Larsen, Logan, Lott, McCarvel, McDermott, McElwain, Marshall, Metlen, Miller (Lincoln), Pierson, Porter, Reardon (Deer Lodge), Replogle, Rognlien, Roll, Somerville, Stiefel, Strange, Watson (Meagher), Watson (Missoula), Wigal, Woodcock, Mr. Speaker. Total 41.

Absent and not voting: Balgord, Blankenbaker, Givens, Setzer, Shannon, Snidow, Spangler, White. Total 8.

The following passed their vote: Byrne. Total 1.

The Speaker: Fifty-one have voted "aye"; forty-one have voted "no"; motion is carried.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

On motion of Haight, duly seconded and carried by a majority vote, the following bills were introduced, without notice, read first and second time and referred to Committee on Judiciary.

House Bill No. 74—A bill for an Act entitled: "An Act to amend Section 9428 of the Revised Codes of Montana, 1921, providing that church property used for holding church services shall be exempt from judgment."

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

O'Connell in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following:

Substitute for Substitute House Bill No. 13, House Bills Nos. 61, 66, 69, beg leave to report as follows:

That Substitute for Substitute House Bill No. 13 be re-referred to Committee on Revenue and Taxation.

That House Bill No. 61 be temporarily passed.

That House Bill No. 66 be amended as follows:

All amendments referring to the printed bill unless otherwise stated: Amend Section 16 in line 1 by inserting after the word "Act" the word "less expenses incurred in the administration of this Act." And amend Section 19 by striking out in line 1 after the word "after" the word "January" and inserting in lieu thereof the word "February," and as amended do pass.

That House Bill No. 69 do pass.

That House Bill No. 63 be amended as follows, all amendments referring to the printed bill unless otherwise stated: Amend Section 15 by inserting in line 1 after the word "Act" the words "less the expenses incurred in the administration of this Act." And as amended do pass.

And committee begs leave to sit again.

O'CONNELL, Chairman.

On motion of O'Connell, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that Senate Substitute for Senate Bill No. 19 and Senate Bill No. 20 be placed on General Orders.

It was moved by Besancon, duly seconded and carried, that the Engrossing Committee be authorized to correct the title of House Bill No. 51 by inserting in the proper place "A bill for an Act entitled:"

It was moved by Besancon, duly seconded and carried that the House consent to the adjournment of the Senate from Saturday December 23rd to Wednesday, December 27th.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

Sub. H. B. No. 37, H. B. No. 12.

ROLPH, Chairman.

Without objection, report adopted.

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills be considered as correctly engrossed:

Sub. H. B. No. 30.

ROLPH, Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 29 and H. J. Memorial No. 4 and No. 70 do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 10:15 o'clock A. M. delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

December 22, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration House Bill No. 74 entitled:

"An Act to amend Section 9428 of the Revised Codes of Montana, 1921, providing that church property used for holding church services shall be exempt from judgment."

Respectfully report as follows: That House Bill No. 74, do not pass. On motion of Rognlien, report adopted.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND SENATE

It was moved by Moss, duly seconded and carried, that messages from the Senate be considered read at length and the Journal so show.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Kane was this day made and adopted:

"I move that, when the Senate adjourn on Saturday, December 23, it shall adjourn to Wednesday, December 27, and that the Senate request that the House of Representatives consent to said adjournment."

Respectfully,
C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Kane was this day made and adopted:

"I move that the Senate consent to the adjournment of the House of Representatives from Saturday, December 23, to Wednesday, December 27."

Respectfully,
C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Judiciary: That H. B. No. 19 be amended as per attached, and as amended, recommend said bill be concurred in, report adopted.

Committee on Judiciary: That S. B. No. 16 do not pass. On motion by Burr, duly seconded and carried, S. B. No. 16 referred to General File.

Committee on Finance and Claims: That H. B. No. 70 be concurred in, report adopted.

Committee on Oil and Leases: That H. B. No. 58 be concurred in, report adopted.

Committee on Employment: That Samuel Joseph has been named as an employee in the Senate organization in the capacity of janitor, report adopted.

Committee on Printing: That S. B. No. 22 has been correctly printed, report adopted.

Committee on Engrossing: That S. B. No. 21 has been correctly engrossed, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Senate Committee on Judiciary Amendments to H. B. No. 19.

Amend by adding after the word "city" in line 2 of Section 3, printed bill, the words "and town."

Amend by striking out in lines 20 and 21 of Section 3, printed bill, the words "constitutional or legal", and inserting in lieu thereof the word "statutory."

Amend by striking out all of Section 5, printed bill, and inserting in lieu thereof the following:

"Section 5. (a) No lease or contract shall be entered into and no debt or liability shall be incurred or created under the provisions of this act on the part of any county, city, town, school district, public or municipal corporation, political subdivision or governmental agency, for the payment of any part of which taxes will be levied against the taxable property therein, without the approval of a majority of the qualified electors thereof whose names appear upon the last preceding assessment roll, voting at an election called for such purpose.

"(b) The council, commission, board of directors, board of trustees or governing board of any county, city, town, school district, public or municipal corporation, or other political sub-division or governmental agency of this state, desiring to make a loan and to issue its bonds for any purpose or purposes set forth in this Act, shall at any regular meeting thereof or at any special meeting called for such purpose, adopt a resolution which shall set forth the following: (a) The full amount required to be expended for any such purpose or purposes; (b) The amount of the loan to be made therefor; (c) The term over which bonds evidencing such indebtedness will extend. And said resolution shall call an election at which the question of making such loan and issuing such bonds shall be submitted to the qualified registered electors of the county, city, town, school district, public or municipal corporation, or political subdivision which is to make such loan and issue such bonds, who are taxpayers and whose names appear upon the last completed assessment roll, and fix a date for holding such election, which shall not be less than twenty (20) nor more than twenty-five (25) days from the date of the adoption of such resolution; provided such resolution may be adopted and said election called without any petition having been presented or filed asking that the same be held. Said resolution shall be entered in full in the minutes of the board or commission, and shall show the vote by ayes and nays thereon.

"A copy of such resolution, certified by the clerk of the board or commission shall be immediately delivered to the County Clerk and said County Clerk shall thereupon close the registration books for said election at 12 o'clock noon of the fifteenth day prior to the date fixed in such resolution for holding such election, and it shall not be necessary for the County Clerk to post or publish any notice of the closing of the registration books. After the closing of the registration books for such election, the County Clerk shall promptly prepare lists of the registered electors who are taxpayers and whose names appear on the last completed assessment roll for state, county and school taxes and who are entitled to vote at such election, and shall prepare poll books for such election as provided in Section 568 Revised Codes of Montana as amended, and deliver the same

to the judges of election prior to the opening of the polls for such election; provided that it shall not be necessary for the County Clerk to have the aforesaid lists of registered electors either printed or posted.

“(c) The clerk of the board calling such election shall, at least twenty days prior to the date when such election is to be held, post, or cause to be posted copies of said resolution in not less than three public places in each voting precinct, and the posting of such copies shall take the place of, and be in lieu of the publication of notice of election and posting notices of election required by the general election laws.

“Ballots for said election shall be prepared by the clerk of the board calling such election and delivered by such clerk to the judges of election, and said election shall be held and conducted, votes counted and returns made and canvassed in the manner required by the general election laws, and all provisions of such general election laws shall apply thereto, as far as the same are applicable and not in conflict with any of the provisions of this Act.”

“No bonds or other evidences of indebtedness shall be sold for less than their par value with accrued interest to date of sale, and when sold to agencies of the United States may be sold without publication of notice of sale.”

Further amend by adding a new section after Section 6, to be numbered Section 7, reading as follows:

“Section 7. All of the laws of this state governing the issuance and sale of bonds by counties, cities, towns, school districts, and other subdivisions of the state authorized to issue bonds under this Act, the levying of taxes for the payment of principal and interest thereof and payment and redemption thereof, insofar as the same are applicable and not in conflict with any of the provisions of this Act, shall apply to and govern all bonds issued under the provisions of this Act.”

Further amend by renumbering Section 7 of the printed bill as Section 8, Section 8 as Section 9 and Section 9 as Section 10.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That S. B. No. 14 do pass.

That H. B. No. 70 be concurred in.

That S. B. No. 22 be amended in Section 4 by striking out in line 2 after the word “any” the word “county,” and substituting the words “liquor store.”

And as so amended, recommend said S. B. No. 22 do pass.

That S. B. No. 16 do not pass.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Resolution by Eaton and Reed was this day adopted:

"WHEREAS this Extraordinary Session was called by the Governor with the major purpose of meeting certain emergency needs for relief and unemployment, and to pass legislation in order to enable the state to take advantage of the term of the National Recovery Act and the National Emergency Relief Act, and,

"WHEREAS after being in session approximately four weeks there appears to be no concrete information as to the amount of money necessary to meet the demands of the call, and,

"WHEREAS there have been passed by the House numerous revenue measures which are now or will be shortly before the Senate, which have for their object the securing of money to meet certain demands of the Governor for Relief and Unemployment situations;

"THEREFORE be it resolved that a committee of five be appointed by the President to compile a statement of the needs for revenue for the several purposes mentioned in the call for this Extraordinary Session together with an estimate of the approximate amount of money to be derived from the various revenue measures which have been passed, or are now under consideration by this Assembly and further be it resolved that a statement of this Special Committee containing this information together with their recommendations be placed on the desks of the members not later than the 32nd legislative day."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Plank, duly seconded and carried, S. B. No. 16 was segregated from the Committee of the Whole report and the report of the Committee of the Whole was then adopted as amended.

Senator Keeley then moved, and such motion was seconded and carried, that S. B. No. 16 be referred to the Committee on Dairies and Dairying, with the request that the committee report its action to this body by tomorrow morning.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Resolution by Senator Ekegren was this day adopted:

"WHEREAS, Under the Chapter 179 of the Revised Codes of Montana corporations are required to pay a net income license fee to be fixed by the State Board of Equalization based upon statements filed therein but which returns and other information pertaining thereto is not open to public inspection, (Sec. 2302),

"NOW, THEREFORE, The said Board of Equalization is hereby directed to furnish to the Senate of Montana the total amount collected for the past three years from such source of state revenue,

"AND FURTHER said board is directed to furnish to the Senate the names of all delinquent corporations with the amount due from each and the date when such corporations became delinquent and the efforts being made to collect such license fees with the prospect of collecting the same,

"AND FURTHER, That the secretary be directed to transmit a copy of this Resolution to the State Board of Equalization."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 21, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Kane was this day made and adopted:

"I move that by and with the concurrence of the House, Joint Rule 23 be amended to read as follows:

"No. 23. No bills transmitted by the House to the Senate, nor by the Senate to the House, after the 26th day of the Extraordinary Session, shall be considered, with the exception of bills considered by a joint conference committee. Bills from said committees may be transmitted at any time up to and including the last day of this session. Joint Rule No. 19, however, shall be in full force and applicable as to Rule No. 24."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Marshall, duly seconded and carried, that Substitute House Bill No. 37 be recalled from Third Reading and placed on General Orders for the purpose of amending same.

It was moved by Beadle, duly seconded and carried, that House Bill No. 65 be placed on General Orders.

It was moved by Besancon, duly seconded and carried, that the Engrossing Committee be authorized to insert in House Bill No. 57 after the word and figure "Section 9." the following: "All moneys received by the State Treasurer in payment of license taxes under the provisions of this Act shall be disposed by him and credited to the following:"

THIRD READING OF HOUSE BILLS

It was moved by Besancon, duly seconded and carried, that the rules be suspended requiring bills to be read at length and that they be read by history and title only.

It was moved by Pilgeram, duly seconded and carried, that the second reading of names on Roll Call be dispensed with.

Substitute House Bill No. 30 introduced by the Revenue and Taxation Committee, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Logan, Lott, Love, McCarvel, McDermott McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Quamme, Ragen,

Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Shannon, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 88.

Noes: None.

Absent and not voting: Balgord, Blankenbaker, Givens, Lewis, Miller (Big Horn), Porter, Roll, Rolph, Setzer, Snidow, Spangler, Waite, White. Total 13.

The Speaker: Eighty-eight have voted "aye"; none have voted "no"; Substitute House Bill No. 30 has passed the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

O'Connell in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We your Committee of the Whole, having had under consideration the following: House Bill No. 34, beg leave to report as follows:

That House Bill No. 34 be amended as follows:

Amend Section 1 of the reprinted bill by adding in line 3 after the word "stock" the following: "or any one in the employ of persons, or firms engaged in the business of raising livestock."

And amend Section 2 by striking out in line 8 of the reprinted bill the figures "\$500.00" and substituting therefor the figures "\$600.00" and in line 9 strike out the word and figures "60 days" and substitute therefor the words "seven months" and amend Section 3 by inserting at the end of the section the following: "This Act does not apply or affect the owners when driving his own truck." And as amended do pass.

O'CONNELL, Chairman.

On motion of O'Connell, report adopted.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed: H. B. No. 41.

ROLPH, Chairman.

Without objection, report adopted.

THIRD READING OF HOUSE BILLS

Without objection bills on Third Reading were read by history and title only.

House Bill No. 41 introduced by Nass and O'Connell, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Anderson, Annin, Beadle, Besancon, Bjorneby, Byrne, Chapman, Cusker, Daugherty, Doe, Ecton, Fowler, Freed, Freudenstein, Goodwin, Haight, Harrington, Hilger, Holecek, Larsen, Lott, McCar-

vel, Manning, Marshall, Metlen, Miles, Miller (Lincoln), Mulholland, Parker (Broadwater), Porter, Quamme, Rearden (Cascade), Rognlien, Shannon, Sparling, Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Watson (Missoula), Wigal, Mr. Speaker. Total 45.

Noes: Ballard, Breitenstein, Campbell, Conner, Doran, Duffy, Findlater, Fitzstephens, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Harlen, Jensen, Kruse, Kuhl, Lewis, Logan, Love, McDermott, McElwain, Mason, Miller (Big Horn), Moss, Nass, O'Connell, O'Shea, Parker (Flathead), Pierson, Pilgeram, Ragen, Ralston, Reardon (Deer Lodge), Replogle, Rolph, Somerville, Stephens (McCone), Whaley, Woodcock. Total 39.

Absent and not voting: Acher, Arnold, Balgord, Blankenbaker, Ferry, Givens, Knowles, Nelstead, Roll, Schuster, Setzer, Snidow, Spangler, Waite, Watson (Meagher), White. Total 16.

The following passed their vote: Nutting. Total 1.

Mr. Speaker: Forty-five have voted "aye"; thirty-nine have voted "no"; House Bill No. 41 has passed the House.

It was moved by Besancon, duly seconded and carried, that the House recess until 1:30 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration Substitute for Substitute House Bill No. 13, entitled:

A bill for an Act entitled: "An Act to regulate the operation of certain games of chance; to provide when the operation thereof shall be illegal; to provide for the license fee therefor and the disposition thereof; and to repeal all Acts and parts of Acts in conflict therewith."

Respectfully report as follows: That Substitute for Substitute House Bill No. 13 be amended as follows:

Amend the title by striking out in lines 1 and 2 of the title the words "Certain Games of Chance," and inserting in lieu thereof the words "slot machines and punch boards."

Amend Section 1 by striking out in line 2 the following words to-wit: "the games of chance hereinafter described" and inserting in lieu thereof the words: "slot machines and punch boards."

Amend Section 2 by striking out in line 1 after the word "for" the remainder of said line and all the remainder of said section, and inserting in lieu thereof the words "slot machines and punch boards."

Amend Section 3 by striking out all of lines 2, 3, 4, 5, thereof and the bracket and letter "C" in line 6; also the balance of said section commencing with line 25; also the bracket and letter "d" at the beginning of line 23.

Amend Section 4 by striking out in line 6 the last word "and" and all of lines 7 and 8 thereof, and that the portion thus stricken be added at the end of said section.

And as so amended, majority of committee recommend that bill do pass.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

December 22, 1933.

The Speaker,
House of Representatives,
Helena.

I have the honor to advise you that I have this day approved the following measures:

H. B. No. 9—Permitting erection of Students' Union Buildings at state educational institutions.

H. B. No. 25—Permitting County Commissioners to lease county fair grounds.

H. B. No. 29—Empowering cities and towns to prepare and improve streets, etc.

H. B. No. 70—Appropriation for expenses of this Extraordinary Session.

H. J. M. No. 4—Relating to the condition of agriculture in the United States.

F. H. COONEY, Governor.

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read three several times and concurred in, title and history agreed to, and bills are herewith returned to the House:

H. B. No. 58, by Byrne.

Sub. H. B. No. 17, by Committee on State Institutions, Public Buildings and Grounds.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Memorial, introduced by Walker, Page, Kane, Church, Murphy, Corwin, Willis and Ruffcorn, was this day adopted:

"A Memorial to the President of the United States requesting the use of copper wire in the construction of a high tension power line from Great Falls, Montana, to the Fort Peck Dam."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Kane was this day adopted:

"I move that the Secretary of the Senate be authorized and requested to receive all bills transmitted from the House on or before 12 o'clock midnight of this twenty-sixth legislative day."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced in the Senate, read first and second time, and referred to committees:

H. B. No. 43, by Committee on Revenue and Taxation—Referred to Judiciary Committee.

H. B. No. 47, by Stephens of McCone—Referred to Committee on Taxation.

H. B. No. 48, by Haight and Holecek—Referred to Committee on Corporations Other than Municipal.

H. B. No. 52, by Committee on Revenue and Taxation—Referred to Committee on Judiciary.

H. B. No. 55, by Watson of Meagher and Ralston—Referred to Committee on Judiciary.

Sub. H. B. No. 64 by Grabow—Referred to Committee on Judiciary.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That Sub. for H. B. No. 17 be concurred in.

That H. B. No. 58 be concurred in.

That H. B. No. 19 be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read three several times and concurred in as amended, title and history agreed to, and bills are herewith transmitted to the House for concurrence in Senate amendments:

House Sub. for H. B. No. 5, by Revenue and Taxation Committee.

Sub. H. B. No. 6, by Groene and Committee on Revenue and Taxation.

Sub. H. B. No. 18, by Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 26, by Harlen.

H. B. No. 31, by Appropriations Committee.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by O'Connell, duly seconded, that the House now reconsider its action on House Bill No. 41. Motion was lost.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Irrigation and Water Rights having had under consideration Senate Joint Memorial No. 5 entitled:

"A Memorial to the President and Congress of the United States requesting a continuation of the national policy of assisting distressed drainage districts, levee districts and irrigation districts in funding and refunding the debts of such districts.

Respectfully report as follows: That S. J. M. No. 5, be concurred in.

NUTTING, Chairman.

On motion of Nutting, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Rognlien, duly seconded and carried, that Substitute for Substitute House Bill No. 13 be placed on General Orders.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

O'Connell in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following:

Sub. H. B. No. 67 and House Bills Nos. 7, 20, 68 and 71, beg leave to report as follows:

That Substitute House Bill No. 67 be amended as follows: Amendments refer to the mimeographed bill unless otherwise stated.

Amend the title in line 2 after the word "districts" the following: "in counties having county high schools" and amend Section 2 by adding in line 2 after the word "districts" the words "in counties having county schools" and amend Section 3 by adding in line 1 the following after the word "counties", the words "having county high schools" and amend Section 3 by striking the words "such action" in line 4 page 2 and inserting in lieu thereof the words "the action taken by said commission," and amend

Section 6 by striking out in line 2 the words "maintaining a" and amend Section 7 by adding a new section known as Sub-section 7 A" to read as follows: Provided, that nothing in this Act shall apply to any high school districts in a county having a population of 45,000 or over, based on the United States census of 1930, and as amended do pass.

That House Bill No. 7 be amended as follows:

Amendments refer to printed bill unless otherwise stated. Amend Section 2 by inserting in line 4 after the word farming the words "and livestock raising" and as amended do pass.

That House Bill No. 20 be amended as follows:

Amendments refer to printed bill unless otherwise stated. Amend Section 4 by adding after the word "time" in line 3, the following "or may deliver perishable goods to retailers that they may be on display at opening time." And amend Section 1 by striking out in line 2, the words and figures "three thousand (3,000) and inserting in lieu thereof the words and figures "seven thousand (7,000)" and as amended do pass.

That House Bill No. 68 do pass.

That House Bill No. 71 do pass.

And committee begs leave to report again.

O'CONNELL, Chairman.

On motion of O'Connell, report adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bills Nos. 20, 68, 71 and 72.

SOMERVILLE, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the Engraving Committee be authorized to correct Substitute House Bill No. 66 by changing the word "January in the first line of Section 2 to the word "February."

REPORTS OF SELECT COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee appointed to audit the payrolls of employees of the House to ascertain and report whether there are more employees thereon than have been authorized by the House, report as follows:

We find that on the payroll for the first week there were included the names of fourteen persons not authorized by the House or by the Employment Committee.

We find that on the payroll for the second week there were included the names of thirteen persons not authorized by the House or by the Employment Committee.

We find that on the payroll for the third week there were included the names of seven persons not authorized by the House or by the Employment Committee.

We find that there are now eight persons who are claiming to be working in the employ of the House whose employment has not been authorized by the House or by the Employment Committee.

The records of the Committee on Employment and the Journal of the House support our findings.

HAIGHT,
MANNING
MILLER (Big Horn).

It was moved by Marshall, duly seconded and carried, that the Employment Committee be instructed to report on this legislative day, on the employees who are entitled to compensation.

CONSIDERATION OF GENERAL ORDERS

Without objection, House resolved itself into a Committee of the Whole under the rules of the previous sitting.

O'Connell in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

December 22, 1933.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: House Bills Nos. 72, Sub. 37, 65, House Joint Memorial No. 5, and Sub. for Sub. H. B. No. 13, Sub. Senate Bill No. 19, Senate Bill No. 20, beg leave to report as follows:

That the enacting clause be stricken in House Bill No. 72.

That Substitute House Bill No. 37 be amended as follows: Section 1 be amended in line 3 of the printed bill by inserting after the word "Montana" the words "When such business is transacted in counties of the first, second, third and fourth class" and as amended do pass.

That House Bill No. 65 do pass.

That House Joint Memorial No. 5 do pass.

That Substitute for Substitute House Bill No. 13 do pass.

That Senate Substitute for Senate Bill No. 19 be concurred in.

That Senate Bill No. 20 be concurred in.

O'CONNELL, Chairman.

On motion of O'Connell, report adopted.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. B. No. 51 and H. B. No. 69.

ROLPH, Chairman.

Without objection, report adopted.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Haight in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

December 22, 1933.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 61, beg leave to report as follows:

That H. B. No. 61 do pass.

HAIGHT, Chairman.

On motion of Haight, report adopted.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

We, your Employment Committee, after discussion on the floor of the House, regarding the eight employees who have not received pay, recommend that they be paid all back salary due them and be retained on the pay roll for the remainder of this Session.

The following is a list of the unpaid employees:

Cain Connors, Janitor.
Mortimer Brien, Doorman.
Imelda Rogers, Proof Reader.
Loretto Smith, Proof Reader.
James Kelly, Janitor.
William Harrington, Janitor.
Frank Corr, Proof Reader.
W. N. Trudeau, Doorman.

A. T. PORTER, Chairman.

It was moved by Porter, duly seconded, that report be adopted.

It was moved by Besancon, duly seconded and carried, that the report be amended to read as follows: By striking out all of the words in line 4 after the word "be" in lines 4 and 5 and inserting in lieu thereof "paid to and discharged as of this legislative day." Whereupon report was adopted as amended.

MOTIONS AND RESOLUTIONS

It was moved by Grabow, duly seconded and carried that Special Committee investigating salaries and so forth in regard to employees, be instructed to go further in their investigation.

The Speaker announced he was about to sign Senate Bill No. 18, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

MOTIONS AND RESOLUTIONS

It was moved by Grabow, duly seconded, that the Special Committee investigating salaries and so forth in regard to employees, be instructed to investigate and find out who was responsible for the extra employees. Motion was lost.

THIRD READING OF SENATE BILLS

Senate Substitute for Senate Bill No. 19 introduced by Committee on Banks and Banking having been read three several times history and title agreed to was passed by the following vote:

Ayes: Abrahamson, Anderson, Annin, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Chapman, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harrington, Hilger, Holecek, Jen-

sen, Knowles, Kuhl, Lewis, Logan, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Replogle, Rognlien, Roll, Schuster, Shannon, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Ueland, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 73.

Noes: None.

Absent and not voting: Acher, Arnold, Balgord, Blankenbaker, Campbell, Doran, Fowler, Freed, Givens, Groene (Fergus), Harlen, Kruse, Larsen, Lott, Love, Moss, Nass, Nelstead, Porter, Reardon (Deer Lodge), Rolph, Setzer, Snidow, Spangler, Sullivan, Trenne, Waite, White. Total 28.

The Speaker: Seventy-three have voted "aye", none have voted "no"; Substitute Senate Bill No. 19 has been concurred in.

Senate Bill No. 20, introduced by Committee on Banks and Banking, having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Freed, Freudenstein, Green (Dawson), Hagerty, Haight, Harlen, Harrington, Hilger, Jensen, Kuhl, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Marshall, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nutting, O'Connell, O'Shea, Parker (Flathead), Pierson, Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Ueland, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 73.

Noes: Goodwin, Holecek. Total 2.

Absent and not voting: Arnold, Balgord, Ballard, Blankenbaker, Cusker, Doran, Fowler, Givens, Grabow, Groene (Fergus), Knowles, Kruse, Larsen, Love, Mason, Nass, Nelstead, Parker (Broadwater), Porter, Setzer, Shannon, Snidow, Spangler, Trenne, Waite, White. Total 26.

The Speaker: Seventy-three have voted "aye", two have voted "no"; Senate Bill No. 20 has been concurred in by the House.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bill correctly engrossed:

House Bill No. 57.

ROLPH, Chairman.

Without objection, report adopted.

THIRD READING OF HOUSE BILLS

Without objection, bills on Third Reading, were read by history and title only.

House Bill No. 51, introduced by O'Connell, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Beadle, Besancon, Bjerneby, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kuhl, Lewis, Lott, McCarvel, McElwain, Manning, Mason, Miles, Miller (Big Horn), Moss, Mulholland, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Shannon, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Sullivan, Ueland, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 72.

Noes: Breitenstein, Larsen, Metlen, Roll. Total 4.

Absent and not voting: Arnold, Balgord, Blankenbaker, Cusker, Doran, Fowler, Givens, Groene (Fergus), Knowles, Kruse, Logan, Love, McDermott, Marshall, Miller (Lincoln), Nass, Nelstead, Porter, Setzer, Snidow, Spangler, Strange, Trenne, Waite, White. Total 25.

Mr. Speaker: Seventy-two have voted "aye"; four have voted "no"; House Bill No. 51 has passed the House.

House Bill No. 69 introduced by Cusker, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Beadle, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Freed, Freudenstein, Goodwin, Grabow, Hagerty, Harlen, Harrington, Hilger, Holecek, Jensen, Kuhl, Larsen, Lewis, Logan, Lott, McCarvel, McDermott, Marshall, Mason, Miller (Lincoln), Moss, Mulholland, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 69.

Noes: Green (Dawson), Quamme, Sparling, Ueland. Total 4.

Absent and not voting: Arnold, Balgord, Besancon, Blankenbaker, Doran, Fitzstephens, Fowler, Givens, Groene (Fergus), Haight, Knowles, Kruse, Love, McElwain, Manning, Metlen, Miles, Miller (Big Horn), Nass, Nelstead, Setzer, Shannon, Snidow, Somerville, Spangler, Trenne, Waite, White. Total 28.

The Speaker: Sixty-nine have voted "aye"; four have voted "no"; House Bill No. 69 has passed the House.

House Bill No. 57, introduced by Pilgeram, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Anderson, Annin, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Doe, Duffy, Ecton, Ferry, Fitzstephens, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Haight, Hilger, Holecek, Jensen, Kuhl, Lewis, Logan, Lott, McCarvel, McDermott, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Shannon, Somerville, Sparling, Stevens (Wheatland), Stiefel, Sullivan, Ueland, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 70.

Noes: Findlater, Hagerty, Larsen. Total 3.

Absent and not voting: Acher, Arnold, Balgord, Blankenbaker, Cusker, Daugherty, Doran, Fowler, Givens, Groene (Fergus), Harlen, Harrington, Knowles, Kruse, Love, McElwain, Metlen, Nass, Nelstead, Roll, Setzer, Snidow, Spangler, Stephens (McCone), Strange, Trenne, Waite, White. Total 28.

The Speaker: Seventy have voted "aye"; three have voted "no"; House Bill No. 57 has passed the House.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that all officers, attaches, and employees of the House be paid and receive compensation during the vacation.

It was moved by Beadle, duly seconded and carried, that the House reconsider motion of Grabow to further investigate employment of employees.

It was moved by Beadle, duly seconded and carried, that the motion of Grabow to further investigate employment of employees be laid on the table.

It was moved by O'Connell, duly seconded, that the House now reconsider its action on the report of the Committee of the Whole with relation to House Bill No. 72 and a roll call was demanded by the required number.

Whereupon motion by O'Connell was carried by the following vote:

Ayes: Abrahamson, Ballard, Beadle, Besancon, Bjerneby, Byrne, Campbell, Chapman, Cusker, Daugherty, Doe, Duffy, Ferry, Findlater, Fitzstephens, Freed, Freudenstein, Grabow, Hagerty, Haight, Harrington, Holecek, Jensen, McCarvel, McDermott, McElwain, Manning, Mason, Metlen, Mulholland, Nutting, O'Connell, Parker (Broadwater), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Somerville, Stephens (McCone), Stevens (Wheatland), Stiefel, Sullivan, Whaley, Wigal. Mr. Speaker. Total 52.

Noes: Acher, Anderson, Annin, Ecton, Goodwin, Green (Dawson), Harlen, Hilger, Knowles, Kuhl, Larsen, Lewis, Logan, Lott, Marshall, Miles, Miller (Big Horn), Miller (Lincoln), Moss, O'Shea, Parker (Flathead), Quamme, Sparling, Strange, Ueland, Watson (Meagher), Watson (Missoula), Woodcock. Total 28.

Absent and not voting: Arnold, Balgord, Blankenbaker, Breitenstein, Conner, Doran, Fowler, Givens, Groene (Fergus), Kruse, Love, Nass, Nelstead, Roll, Setzer, Snidow, Spangler, Trenne, Waite, White. Total 20.

The following passed their vote: Shannon.

The Speaker: Fifty-two have voted "aye"; twenty-eight have voted "no"; motion is carried.

It was moved by O'Connell, duly seconded and carried, that House Bill No. 72 be taken from General Orders, considered correctly engrossed and placed on Third Reading.

THIRD READING OF HOUSE BILLS

Without objection, bills on Third Reading were read by history and title only.

House Bill No. 72, introduced by Groene of Fergus by request, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Duffy, Ferry, Findlater, Fitzstephens, Freed, Freudenstein, Grabow, Hagerty, Harrington, Holecek, Haight, Jensen, Logan, McCarvel, McDermott, McElwain, Manning, Mason, Metlen, Mulholland, Nutting, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Somerville, Stephens (McCone), Stiefel, Sullivan, Ueland, Whaley, Wigal, Mr. Speaker. Total 56.

Noes: Anderson, Annin, Ecton, Goodwin, Green (Dawson), Harlen, Hilger, Knowles, Kuhl, Larsen, Lewis, Lott, Marshall, Miles, Miller (Big Horn), Miller, (Lincoln), Moss, Quamme, Sparling, Strange, Watson (Meagher), Watson (Missoula), Woodcock. Total 23.

Absent and not voting: Acher, Arnold, Balgord, Blankenbaker, Doran, Fowler, Givens, Groene (Fergus), Kruse, Love, Nass, Nelstead, O'Shea, Roll, Setzer, Shannon, Snidow, Spangler, Stevens (Wheatland), Trenne, Waite, White. Total 22.

The Speaker: Fifty-six have voted "aye"; twenty-three have voted "no"; House Bill No. 72 has passed the House.

MOTIONS AND RESOLUTIONS

It was moved by O'Connell, duly seconded, that the House reconsider its action on House Bill No. 72. Motion was lost.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by O'Connell, duly seconded, that the messages from the Senate be considered read at length and the Journal so show.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 19, by Judiciary Committee, was this day read third time and concurred in as amended, title and history agreed to, and bill is herewith transmitted to the House for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read three several times and passed, title and history agreed to, and bills are herewith transmitted to the House for concurrence:

S. B. No. 14, by Sparling.

S. B. No. 22, by Coburn, Campbell, Galt and Larson.

S. B. No. 23, by Husband, Garber and Melton.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Judiciary: That S. B. No. 23, by Husband, Garber and Melton, do not pass. Substitute motion by Garber, that S. B. No. 23 be printed and placed on General File, duly seconded and carried.

Committee on Engrossed Bills: That S. B. No. 14 and S. B. No. 22 have been correctly engrossed, report adopted.

Committee on Enrolled Bills: That S. B. No. 18 has been correctly enrolled, report adopted.

Committee on Printing: That S. B. No. 23 has been correctly printed, report adopted.

Majority of Committee on Dairies and Dairying: That S. B. No. 16 do pass, as amended, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following memorial was this day introduced in the Senate by Senators Larson and Harris, and on motion, adopted:

"A Memorial to the President of the United States and to the Senators and Congressmen from the State of Montana, requesting that the proposed processing tax on wool be not levied or assessed."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Conference Committee from the House and Senate, which conferred on House amendment to S. B. No. 10 was this day, on motion, adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 22, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. B. No. 16 do not pass.

That S. B. No. 23 be amended as per attached, and as amended, do pass.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Senate Committee of the Whole Amendments to S. B. No. 23:

Amend in Section 1 by striking out lines 12 to 22 inclusive of original bill and substituting in lieu thereof the following:

"Section 29. Any registered pharmacists shall be permitted to sell liquor in one drug store in any incorporated city or town, provided he furnish a bond of One Thousand (\$1,000) Dollars and secure liquor through the State Liquor Control Board.

"Liquor defined under this Act shall constitute all alcoholic, spirituous or vinous liquors, other than beer, ale, stout or other malt liquor of the same nature, containing any alcoholic content. All sales shall be made at wholesale to such pharmacists at prices to be determined by the board, which prices shall be uniform to all purchasers under similar conditions. Differentials may be established, based upon quantities purchased, and the board shall publish the wholesale prices of liquor not less than once a month in a newspaper to be designated by the board in each county where-in pharmacists may be licensed. Any pharmacist engaged in the retail merchandising business of this state, shall, if otherwise qualified, be entitled to purchase a license to sell liquor at retail as herein provided upon the payment to the Montana Liquor Control Board of the sum of Two Hundred (\$200) Dollars per calendar year; provided, that any license issued in the year 1933 shall not expire until December 31, 1934. Such licenses shall be printed in duplicate in such form as the board may prescribe, and shall be numbered consecutively. The board shall authorize the issuance thereof to pharmacists entitled thereto. Such licenses shall be issued in duplicate and signed by the chairman and secretary of the board. The original shall be delivered to the pharmacist, one copy thereof shall be filed in the office of the board. All liquor sold to pharmacists must carry a gallonage stamp tax at the rate of \$1.00 per gallon, or if in smaller amounts, at the same ratio, so affixed to each bottle as to seal the bottle. All stamps to be affixed at the state owned wholesale liquor stores and paid for at the time of sale.

"No person who has been convicted of an offense against the Volstead Act or the internal revenue laws of the United States shall be qualified to purchase a retail license, or to be employed in any store, where such liquor is sold, in any capacity.

"No pharmacist who holds a license under the laws of this state authorizing the sale and distribution of beer, either in draught or in bottles, to the public to be served and consumed on the premises of the vendor, shall be permitted to obtain a retail license hereunder.

"All liquors sold hereunder shall be in the original container as received from the Board and in quantities of not less than one-half pint, and no liquors sold hereunder by any pharmacist shall be consumed by any person on the premises of said vendor. All pharmacists must display the vendor's license herein required in a conspicuous place in his place of business. Licenses shall not be issued to any minors, nor shall any vendor sell liquors to any minors, or to any person visibly intoxicated."

Further amend S. B. No. 23 by striking out all of Section 3 thereof and inserting in lieu thereof the following:

"Section 3. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety and shall take effect and be in full force and effect from and after its passage and approval."

INTRODUCTIONS OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bill was introduced, read first and second time and referred to Committee on Judiciary.

Senate Bill No. 14 introduced by Sparling:

A bill for an Act entitled: "An Act to amend Section 2235 of the Revised Codes of Montana, 1921, as amended in Section 3 of Chapter 85, Laws of the Twentieth Legislative Assembly as amended by Chapter 162, Laws of the Twenty-first Legislative Assembly relating to the sale of unredeemed property by County Commissioners."

It was moved by Besancon, duly seconded and carried, that the House recess until 8:00 o'clock P. M.

EVENING SESSION

House resumed. Mr. Speaker in the Chair.

The following members were excused: Doran, Kuhl, Daugherty, Trenne, Groene, Hagerty, Findlater, Kruse, Miller of Big Horn.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. B. No. 60, No. 34.

ROLPH, Chairman.

Without objection, report adopted.

THIRD READING OF HOUSE BILLS

Without objection, bills on Third Reading were read by history and title only.

Substitute House Bill No. 37 introduced by Replogle, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Annin, Ballard, Beadle, Breitenstein, Chapman, Cusker, Doe, Duffy, Ferry, Freudenstein, Goodwin, Grabow, Haight, Harlen, Harrington, Jensen, Kuhl, Love, McCarvel, McDermott, McElwain, Manning, Metlen, Miller (Lincoln), Moss, Mulholland, Nutting, O'Connell, O'Shea, Pilgeram, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rolph, Somerville, Sullivan, Woodcock, Mr. Speaker. Total 41.

Noes: Anderson, Besancon, Bjorneby, Campbell, Conner, Ecton, Fitzstephens, Freed, Green (Dawson), Hilger, Knowles, Lewis, Logan, Marshall, Miles, Parker (Flathead), Parker (Broadwater), Pierson, Quamme, Ragen, Rognlien, Schuster, Sparling, Stephens (McCone), Stiefel, Strange, Ueland, Watson (Meagher), Watson (Missoula), Whaley, Wigal. Total 31.

Absent and not voting: Arnold, Balgord, Blankenbaker, Byrne, Daugherty, Doran, Findlater, Fowler, Givens, Groene (Fergus), Hagerty, Holecek, Kruse, Larsen, Lott, Mason, Miller (Big Horn), Nass, Nelstead, Porter, Roll, Setzer, Shannon, Snidow, Spangler, Stevens (Wheatland), Trenne, Waite, White. Total 29.

Mr. Speaker: Forty-one have voted "aye"; thirty-one have voted "no"; Substitute House Bill No. 37 has passed the House.

House Bill No. 60 introduced by Beadle, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Anderson, Annin, Beadle, Besancon, Bjorneby, Byrne, Campbell, Chapman, Doe, Duffy, Ecton, Ferry, Fitzstephens, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Haight, Harrington, Jen-

sen, Kuhl, Larsen, Lewis, Logan, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Metlen, Miles, Lewis (Lincoln), Mulholland, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Shannon, Somerville, Sparling, Stevens (Wheatland, Stiefel, Strange, Sullivan, Ueland, Watson (Meagher), Whaley, Wigal, Woodcock, Mr. Speaker. Total 63.

Noes: Acher, Ballard, Breitenstein, Conner, Cusker, Harlen, Hilger, Knowles, Mason, Quamme, Ragen, Watson (Missoula). Total 12.

Absent and not voting: Arnold, Balgord, Blankenbaker, Daugherty, Doran, Findlater, Fowier, Givens, Groene (Fergus), Hagerty, Holecek, Kruse, Lott, Miller (Big Horn), Moss, Nass, Nelstead, Porter, Roll, Setzer, Snidow, Spangler, Stephens (McCone), Trenne, Waite, White. Total 26.

Mr. Speaker: Sixty-three have voted "aye"; twelve have voted "no"; House Bill No. 60 has passed the House.

House Bill No. 34 introduced by McDermott, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Anderson, Annin, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Doe, Duffy, Ecton, Ferry, Fitzstephens, Freudenstein, Goodwin, Grabow, Harlen, Harrington, Jensen, Knowles, Kuhl, Larsen, Logan, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miller (Lincoln), Moss, Mulholland, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ralston, Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Shannon, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Ueland, Watson (Meagher), Wigal, Woodcock, Mr. Speaker. Total 66.

Noes: Acher: Green (Dawson), Haight, Hilger, Lewis, Miles, Ragen. Total 7.

Absent and not voting: Arnold, Balgord, Blankenbaker, Cusker, Daugherty, Doran, Findlater, Fowler, Freed, Givens, Groene (Fergus), Hagerty, Holecek, Kruse, Lott, Miller (Big Horn), Nass, Nelstead, Rearden (Cascade), Roll, Setzer, Snidow, Spangler, Trenne, Waite, Watson (Missoula), Whaley, White. Total 28.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

House Bill No. 63, No. 20.

ROLPH, Chairman.

Without objection, report adopted.

THIRD READING OF HOUSE BILLS

Without objection bills on Third Reading were read by history and title only.

House Bill No. 63 introduced by Committee on Revenue and Taxation, has failed to pass by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Besancon, Bjerneby, Chapman, Fitzstephens, Freed, Goodwin, Grabow, Green (Dawson), Haight, Jensen, Larsen, Lewis, Logan, Manning, Marshall, Metlen, Miller (Lin-

coln), Moss, Nutting, Parker (Broadwater), Pierson, Porter, Ralston, Rognlien, Rolph, Somerville, Sparling, Stiefel, Strange, Ueland, Watson (Meagher), Watson (Missoula), Wigal, Mr. Speaker. Total 38.

Noes: Ballard, Beadle, Breitenstein, Byrne, Campbell, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Freudenstein, Harlen, Harrington, Hilger, Kuhl, Love, McCarvel, McDermott, Mason, Miles, Mulholland, O'Connell, O'Shea, Parker (Flathead), Pilgeram, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Schuster, Stephens (McCone), Stevens (Wheatland), Sullivan, Woodcock. Total 38.

Absent and not voting: Arnold, Balgord, Blankenbaker, Doran, Findlater, Fowler, Givens, Groene (Fergus), Hagerty, Holecek, Kruse, Lott, McElwain, Miller (Big Horn), Nass, Nelstead, Roll, Setzer, Shannon, Snidow, Spangler, Trenne, Waite, Whaley, White. Total 25.

Mr. Speaker: Thirty-eight have voted "aye"; thirty-eight have voted "no"; House Bill No. 63 has failed to pass the House.

MOTIONS AND RESOLUTIONS

It was moved by Campbell, duly seconded, that the House now reconsider its action on House Bill No. 63, and a roll call was demanded by the required number, whereupon motion by Campbell was lost by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Besancon, Bjerneby, Chapman, Freed, Goodwin, Grabow, Green (Dawson), Haight, Jensen, Larsen, Lewis, Logan, Marshall, Metlen, Miller (Lincoln), Moss, Nutting, Parker (Broadwater), Pierson, Porter, Ralston, Rognlien, Somerville, Sparling, Stiefel, Strange, Ueland, Watson (Meagher), Watson (Missoula), Wigal, Mr. Speaker. Total 35.

Noes: Ballard, Beadle, Breitenstein, Byrne, Campbell, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Fitzstephens, Freudenstein, Harlen, Harrington, Hilger, Knowles, Kuhl, Love, McCarvel, McDermott, Manning, Mason, Miles, Mulholland, O'Connell, O'Shea, Parker (Flathead), Pilgeram, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Schuster, Stephens (McCone), Stevens (Wheatland), Sullivan, Woodcock. Total 40.

Absent and not voting: Arnold, Balgord, Blankenbaker, Doran, Findlater, Fowler, Givens, Groene (Fergus), Hagerty, Holecek, Kruse, Lott, McElwain, Miller (Big Horn), Nass, Nelstead, Roll, Rolph, Setzer, Shannon, Snidow, Spangler, Trenne, Waite, Whaley, White. Total 26.

Mr. Speaker: Thirty-five have voted "aye"; forty have voted "no"; motion is lost.

THIRD READING OF HOUSE BILLS

Without objection bills on Third Reading were read by history and title only.

House Bill No. 20 introduced by Mulholland, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Annin, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Cusker, Doe, Duffy, Ecton, Ferry, Fitzstephens, Freudenstein, Goodwin, Grabow, Harlen, Harrington, Jensen, Larsen, McCarvel, McDermott, McElwain, Manning, Marshall, Metlen, Miller (Lincoln), Moss, Mulholland, O'Connell, Parker (Flathead), Parker (Broad-

water), Pierson, Pilgeram, Porter, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Stephens (McCone), Stevens (Wheatland), Wigal, Woodcock, Mr. Speaker, Ralston, Sullivan. Total 50.

Noes: Anderson, Ballard, Chapman, Conner, Freed, Green (Dawson), Haight, Hilger, Lewis, Logan, Miles, Quamme, Ragen, Somerville, Sparling, Stiefel, Strange, Ueland, Watson (Missoula.) Total 19.

Absent and not voting: Arnold, Balgord, Blankenbaker, Daugherty, Doran, Findlater, Fowler, Givens, Groene (Fergus), Hagerty, Holecek, Knowles, Kruse, Kuhl, Lott, Love, Mason, Miller (Big Horn), Nass, Nelstead, Nutting, O'Shea, Roll, Setzer, Shannon, Snidow, Spangler, Trenne, Waite, Watson (Meagher), Whaley, White. Total 32.

Mr. Speaker: Fifty have voted "aye"; nineteen have voted "no"; House Bill No. 20 has passed the House.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. J. M. No. 5, Sub. H. B. No. 67.

ROLPH, Chairman.

Without objection, report adopted.

THIRD READING OF HOUSE BILLS

Without objection, bills on Third Reading were read by history and title only.

House Joint Memorial No. 5 introduced by Nutting, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Doe, Duffy, Ecton, Ferry, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Haight, Harlen, Hilger, Jensen, Lewis, Logan, McCarvel, McDermott, McElwain, Manning, Marshall, Metlen, Miles, Miller (Lincoln), Moss, Mulholland, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Shannon, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Ueland, Watson (Meagher), Watson (Missoula), Wigal, Woodcock, Mr. Speaker. Total 61.

Noes: None.

Absent and not voting: Arnold, Balgord, Ballard, Blankenbaker, Daugherty, Doran, Findlater, Fitzstephens, Fowler, Givens, Groene (Fergus), Hagerty, Harrington, Holecek, Knowles, Kruse, Kuhl, Larsen, Lott, Love, Mason, Miller (Big Horn), Nass, Nelstead, Nutting, O'Shea, Ragen, Ralston, Roll, Rolph, Setzer, Snidow, Somerville, Spangler, Strange, Sullivan, Trenne, Waite, Whaley, White. Total 40.

Mr. Speaker: Sixty-one have voted "aye"; none have voted "no"; House Joint Memorial No. 5 has passed the House.

Substitute House Bill No. 67 introduced by Rognlien, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Doe, Duffy, Ecton, Freudenstein, Goodwin, Grabow, Harlen, Jensen, Logan, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Moss, Mulholland, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Shannon, Somerville, Sparling, Stephens (McCone), Stiefel, Strange, Ueland, Watson (Missoula), Wigal, Woodcock, Mr. Speaker. Total 55.

Noes: Ferry, Freed, Green (Dawson), Haight, Hilger, Lewis, Miles, Miller (Lincoln), Ragen, Stevens (Wheatland), Watson (Meagher). Total 11.

Absent and not voting: Arnold, Balgord, Ballard, Blankenbaker, Daugherty, Doran, Findlater, Fitzstephens, Fowler, Givens, Groene (Fergus), Hagerty, Harrington, Holecek, Knowles, Kruse, Kuhl, Larsen, Lott, Love, Miller (Big Horn), Nass, Nelstead, Nutting, O'Shea, Ralston, Roll, Setzer, Snidow, Spangler, Sullivan, Trenne, Waite, Whaley, White. Total 35.

Mr. Speaker: Fifty-five have voted "aye"; eleven have voted "no"; Substitute House Bill No. 67 has passed the House.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. B. No. 71, Sub. H. B. No. 37.

ROLPH, Chairman.

Without objection, report adopted.

THIRD READING OF HOUSE BILLS

House Bill No. 71 introduced by Committee on Appropriations, having been read three several times at length was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Doe, Duffy, Freudenstein, Grabow, Harrington, Hilger, Jensen, Larsen, McCarvel, McDermott, McElwain, Manning, Mason, Miller (Lincoln), Moss, Mulholland, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Somerville, Stephens (McCone), Stiefel, Sullivan, Ueland, Wigal, Woodcock, Mr. Speaker. Total 51.

Noes: Goodwin, Haight, Harlen, Lewis, Miles, Stevens (Wheatland), Watson (Meagher), Watson (Missoula). Total 8.

Absent and not voting: Arnold, Balgord, Blankenbaker, Byrne, Daugherty, Doran, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Givens, Green (Dawson), Groene (Fergus), Hagerty, Holecek, Knowles, Kuhl, Logan, Lott, Love, Marshall, Metlen, Miller (Big Horn), Nass, Nelstead, Nutting, O'Shea, Roll, Rolph, Setzer, Shannon, Snidow, Spangler, Sparling, Strange, Trenne, Waite, Whaley, White. Total 42.

Mr. Speaker: Fifty-one have voted "aye"; eight have voted "no"; House Bill No. 71 has passed the House.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bill correctly engrossed:

Sub. H. B. No. 66.

ROLPH, Chairman.

Without objection, report adopted.

THIRD READING OF HOUSE BILLS

Without objections, bills on Third Reading were read by history and title only.

Substitute House Bill No. 66 introduced by Committee on Revenue and Taxation, having been read three several times, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Besancon, Bjerneby, Breitenstein, Campbell, Chapman, Conner, Duffy, Goodwin, Grabow, Haight, Jensen, Larsen, Lewis, McElwain, Marshall, Metlen, Miles, Miller (Lincoln), Mulholland, O'Connell, Pierson, Pilgeram, Porter, Ralston, Rearden (Cascade), Rognlien, Schuster, Shannon, Somerville, Sparling, Stevens (Wheatland), Ueland, Watson (Missoula), Wigal, Mr. Speaker. Total 39.

Noes: Ballard, Beadle, Byrne, Cusker, Doe, Ecton, Ferry, Harrington, Hilger, Knowles, McCarvel, McDermott, Manning, Mason, Moss, Parker (Flathead), Parker (Broadwater), Reardon (Deer Lodge), Replogle, Stephens (McCone), Stiefel, Sullivan, Watson (Meagher). Total 23.

Absent and not voting: Arnold, Balgord, Blankenbaker, Daugherty, Doran, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Givens, Green (Dawson), Groene (Fergus), Harlen, Holecek, Kruse, Kuhl, Logan, Love, Lott, Miller (Big Horn), Nass, Nelstead, Nutting, O'Shea, Quamme, Ragen, Roll, Rolph, Setzer, Snidow, Spangler, Strange, Trenne, Waite, Whaley, White, Hagerty. Total 38.

The following passed their vote: Woodcock. Total 1.

Mr. Speaker: Thirty-nine have voted "aye"; twenty-three have voted "no"; Substitute House Bill No. 66 has passed the House.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bill correctly engrossed:

House Bill No. 7.

ROLPH, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that consideration of House Bill No. 7 on Third Reading be passed for the day.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

Sub. for Sub. House Bill No. 13.

House Bill No. 65.

ROLPH, Chairman.

Without objection, report adopted.

THIRD READING OF HOUSE BILLS

Without objection, bills on Third Reading were read by history and title only.

Substitute for Substitute House Bill No. 13 introduced by Groene and Revenue and Taxation Committee, having been read three several times, title and history agreed to was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Beadle, Breitenstein, Byrne, Campbell, Chapman, Cusker, Doe, Ferry, Freudenstein, Grabow, Haight, Harlen, Harrington, Hilger, Jensen, Knowles, Larsen, McCarvel, McDermott, McElwain, Manning, Mason, Metlen, Miller (Lincoln), Mulholland, O'Connell, Parker (Broadwater), Pilgeram, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Shannon, Somerville, Stephens (McCone), Sullivan, Watson (Meagher), Mr. Speaker. Total 44.

Noes: Besancon, Bjorneby, Duffy, Ecton, Freed, Green (Dawson), Lewis, Logan, Marshall, Miles, Moss, Parker (Flathead), Pierson, Porter, Quamme, Rognlien, Schuster, Sparling, Stevens (Wheatland), Stiefel, Strange, Ueland, Watson (Missoula), Wigal, Woodcock. Total 25.

Absent and not voting: Arnold, Balgord, Blankenbaker, Conner, Daugherty, Doran, Findlater, Fitzstephens, Fowler, Givens, Goodwin, Groene (Fergus), Hagerty, Holecek, Kruse, Kuhl, Lott, Love, Miller (Big Horn), Nass, Nelstead, Nutting, O'Shea, Roll, Rolph, Setzer, Snidow, Spangler, Trenne, Waite, Whaley, White. Total 32.

Mr. Speaker: Forty-four have voted "aye"; twenty-five have voted "no"; Substitute for Substitute House Bill No. 13 has passed the House.

House Bill No. 65 introduced by Beadle and O'Connell, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Beadle, Besancon, Bjorneby, Byrne, Campbell, Chapman, Conner, Cusker, Doe, Duffy, Ecton, Ferry, Freudenstein, Grabow, Harlen, Harrington, Hilger, Knowles, Logan, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Lincoln), Moss, Mulholland, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Ueland, Watson (Meagher), Watson (Missoula), Wigal, Woodcock, Mr. Speaker. Total 60.

Noes: Breitenstein, Green (Dawson). Total 2.

Absent and not voting: Arnold, Balgord, Blankenbaker, Daugherty, Doran, Findlater, Fitzstephens, Fowler, Freed, Givens, Goodwin, Groene (Fergus), Hagerty, Haight, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Lott, Love, Metlen, Miller (Big Horn), Nass, Nelstead, Nutting, O'Shea, Quamme, Roll, Rolph, Setzer, Shannon, Snidow, Spangler, Trenne, Waite, Whaley, White. Total 39.

Mr. Speaker: Sixty have voted "aye"; two have voted "no"; House Bill No. 65 has passed the House.

REPORTS OF STANDING COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

House Bill No. 61.

House Bill No. 68.

ROLPH, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Metlen, duly seconded, that the House reconsider its action on the motion of the gentleman from Cascade, which was a motion to reconsider action on House Bill No. 63.

The Speaker ruled Metlen motion was not in order, whereupon Metlen appealed from the decision of the chair.

Byrne of Toole in the Chair.

Whereupon the question was put on whether or not Chair should be sustained. Upon a standing vote the Chair was not sustained.

Speaker resumed the Chair.

Whereupon motion by Metlen was put by the Chair and carried.

Whereupon the motion of the gentleman from Cascade that the House reconsider its action on House Bill No. 63 was put and carried.

It was moved by Replogle, duly seconded, that House Bill No. 63 be taken from Third Reading and placed on General Orders.

On substitute motion, it was moved by Metlen, duly seconded and carried, that House Bill No. 63 be placed on Third Reading.

A call of the House was demanded by the required number.

On motion of Marshall, duly seconded and carried, call of the House was dispensed with.

It was moved by Replogle, duly seconded, that House Bill No. 63 be placed on the bottom of the list on Third Reading.

On substitute motion, it was moved by Shannon, duly seconded and carried that House Bill No. 63 be placed at the head of the list on Third Reading.

A call of the House was demanded by the required number.

On motion of Marshall, duly seconded and carried, call of the House was dispensed with.

THIRD READING OF HOUSE BILLS

Without objection bills on Third Reading were read by history and title only.

House Bill No. 63 introduced by Committee on Revenue and Taxation, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Besancon, Breitenstein, Freed, Grabow, Green (Dawson), Haight, Larsen, Lewis, Logan, McCarvel, Marshall, Metlen, Miller (Lincoln), Moss, Parker (Broadwater), Pierson, Porter, Ralston, Rognlien, Shannon, Somerville, Sparling, Stiefel, Strange, Ueland, Watson (Meagher), Watson (Missoula), Wigal, Woodcock, Mr. Speaker. Total 34.

Noes: Byrne, Chapman, Hilger, Jensen, Knowles, McDermott, McElwain, Manning, Parker (Flathead), Pilgeram, Ragen, Rearden (Cascade), Rolph, Schuster, Stephens (McCone). Total 15.

Absent and not voting: Arnold, Balgord, Ballard, Beadle, Bjorneby, Blankenbaker, Campbell, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Givens, Goodwin, Groene (Fergus), Hagerty, Harlen, Harrington, Holecek, Kruse, Kuhl, Lott, Love, Miles, Miller (Big Horn), Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Quamme, Rearden (Deer Lodge), Replogle, Roll, Setzer, Snidow, Spangler, Stevens (Wheatland), Sullivan, Trenne, Waite, Whaley, White. Total 52.

House Bill No. 61 introduced by O'Connell, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Anderson, Besancon, Bjorneby, Campbell, Chapman, Doe, Duffy, Ecton, Freudenstein, Haight, Jensen, Lewis, McCarvel, McDermott, Marshall, Metlen, O'Connell, Pierson, Pilgeram, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Shannon, Somerville, Wigal, Mr. Speaker. Total 27.

Noes: Acher, Annin, Byrne, Conner, Cusker, Freed, Green (Dawson), Harlen, Hilger, Knowles, Logan, McElwain, Miller (Lincoln), Moss, Parker (Broadwater), Porter, Quamme, Rognlien, Sparling, Stiefel, Strange, Ueland, Watson (Meagher), Watson (Missoula), Woodcock. Total 25.

Absent and not voting: Arnold, Balgord, Ballard, Beadle, Blankenbaker, Breitenstein, Daugherty, Doran, Ferry, Findlater, Fitzstephens, Fowler, Givens, Goodwin, Grabow, Groene (Fergus), Hagerty, Harrington, Holecek, Kruse, Kuhl, Larsen, Lott, Love, Manning, Mason, Miles, Miller (Big Horn), Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Ragen, Replogle, Roll, Rolph, Schuster, Setzer, Snidow, Spangler, Stephens (McCone), Stevens (Wheatland), Sullivan, Trenne, Waite, Whaley, White. Total 49.

The Speaker: Upon the conclusion of the roll call and the announcement of the result by the Chair, question of the presence of a quorum was raised and the Chair ruled that a quorum is always presumed to be present until the question is raised and that in this case the question was not raised until after the result of the roll call had been announced.

House Bill No. 68 introduced by Committee on State Institutions, Public Buildings and Grounds, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Ballard, Besancon, Bjorneby, Campbell, Chapman, Doe, Ecton, Freed, Grabow, Green (Dawson), Harlen, Jensen, Knowles, Larsen, Lewis, Logan, McCarvel, McDermott, McElwain, Marshall, Mason, Metlen, Miller (Lincoln), Moss, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Schuster, Somerville, Sparling, Stephens (McCone), Stiefel, Sullivan, Ueland, Watson (Meagher), Watson (Missoula), Wigal, Woodcock, Mr. Speaker. Total 51.

Noes: Conner, Haight, Hilger, Ragen. Total 4.

Absent and not voting: Arnold, Balgord, Beadle, Blankenbaker, Breitenstein, Byrne, Cusker, Daugherty, Doran, Duffy, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Givens, Goodwin, Groene (Fergus), Hagerty, Harrington, Holecek, Kruse, Kuhl, Lott, Love, Manning, Miles, Miller

(Big Horn), Mulholland, Nass, Nelstead, Nutting, O'Shea, Replogle, Roll, Rolph, Setzer, Shannon, Snidow, Spangler, Stevens (Wheatland), Strange, Trenne, Waite, Whaley, White. Total 46.

Mr. Speaker: Fifty-one have voted "aye"; four have voted "no"; House Bill No. 68 has passed the House.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock Saturday, December 23rd.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

TWENTY-SEVENTH DAY

House of Representatives,
Helena, Montana, December 23, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present, except the following:

Arnold, Balgord, Beadle, Blankenbaker, Conner, Daugherty, Doran, Findlater, Fowler, Freed, Givens, Groene (Fergus), Hagerty, Harlen, Harrington, Holecek, Kruse, Kuhl, Lott, Love, Miles, Miller (Big Horn), Nass, Nelstead, Nutting, O'Connell, O'Shea, Reardon (Deer Lodge), Replogle, Roll, Setzer, Snidow, Spangler, Stephens (McCone), Stevens (Wheatland), Strange, Sullivan, Waite, Whaley, White. Total 41. Excused.

REPORTS OF STANDING COMMITTEES

December 23, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

Sub. House Bill No. 17.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

December 23, 1933.

We hereby certify that we have this day received Enrolled House Bill No. 17, and same has been found to be correct.

MULHOLLAND.

The Speaker announced he was about to sign Substitute House Bill No. 17, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that House Bill No. 7 now Third Reading be passed until after the adjournment on December 23rd.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bills were introduced, read first and second time and referred to committee.

Senate Bill No. 22 introduced by Coburn, Campbell, Galt and Larson.

A bill for an Act entitled: "An Act regulating the salary of vendors and also every officer, inspector, clerk or other employee to be employed by the Montana Liquor Control Board in the State of Montana."

Referred to Committee on Judiciary.

Senate Bill No. 23 introduced by Husband, Garber and Melten:

A bill for an Act entitled: "An Act to amend Section 29 of Chapter 105 of the laws of the Twenty-third Legislative Assembly of the State of Montana, relating to the sale of liquor."

Referred to Committee on Judiciary.

The Speaker announced he was about to sign Senate Bill No. 19, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Bill No. 20, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

It was moved by Besancon, duly seconded and carried, that, the Senate having consent, the House now adjourn until 1:00 o'clock P. M. Wednesday, December 27th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

THIRTY-FIRST DAY

House of Representatives,
Helena, Montana, December 27, 1933.

House convened, pursuant to adjournment, at 1:00 o'clock P. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Blankenbaker, Givens, Snidow. Total 3. Excused.

Daugherty, Fowler, Jensen, Kruse, Moss, Nelstead, Parker (Flathead), Groene (Fergus), Quamme, Reardon (Deer Lodge), Replogle, Rolph, Spangler, Stiefel, Waite. Total 14 absent.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

December 23, 1933

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Kane, duly seconded and carried, the Senate adjourned until Wednesday, December 27th, at 1:00 P. M.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 23, 1933

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Senators Parkin and Garber was this day made and adopted:

"We move that the House be requested to appoint a committee to act jointly with the Senate Committee investigating the cancellation and reletting of State Fire Insurance and Automobile Insurance."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 23, 1933

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day gave notice that he was about to sign, and did sign:

Sub. S. B. No. 19.

S. B. No. 20.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 23, 1933

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Enrolled Bills this day reported Senate Sub. for S. B. No. 19 and S. B. No. 20, correctly enrolled and duly verified.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 23, 1933

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced in the Senate, read first and second time, and referred to committees:

H. B. No. 12—Committee on Taxation.

Sub. H. B. No. 13—Committee on Public Morals.

H. B. No. 20—Committee on Labor and Capital.

Sub. H. B. No. 30—Committee on Judiciary.

H. B. No. 34—Committee on Labor and Capital.

Sub. H. B. No. 37—Committee on Taxation.

H. B. No. 41—Committee on Taxation.

H. B. No. 51—Committee on Taxation.

H. B. No. 57—Committee on Judiciary.

H. B. No. 60—Committee on Taxation.

H. B. No. 65—Committee on Federal Relations.

Sub. H. B. No. 66—Committee on Judiciary.

Sub. H. B. No. 67—Committee on Education.

H. B. No. 69—Committee on Federal Relations.

H. B. No. 71—Committee on Finance and Claims.

H. B. No. 72—Committee on Taxation.

H. J. M. No. 5—Committee on Irrigation and Water Rights.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the Speaker be authorized to appoint a committee to act with the committee appointed by the Senate to investigate the cancellation and reletting of State Fire Insurance and Automobile Insurance.

THIRD READING OF HOUSE BILLS

It was moved by Besancon, duly seconded and carried, that Third Reading of House Bill No. 7 be passed for the day.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders.

Haight in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

December 27, 1933.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following:

S. J. M. No. 4, No. 3 and No. 5, S. J. R. No. 1 and Senate Bill No. 17, beg leave to report as follows:

That Senate Joint Memorial No. 4, be concurred in.

That Senate Joint Memorial No. 3, be concurred in.

That Senate Joint Memorial No. 5, be concurred in.

That Senate Joint Resolution No. 1, be concurred in.

That Senate Bill No. 17 be concurred in.

HAIGHT, Chairman.

On motion of Haight, report adopted.

THIRD READING OF SENATE BILLS

It was moved by Besancon, duly seconded and carried, that the rules requiring that Senate Bills be read at length be dispensed with.

Senate Joint Memorial No. 4 introduced by Committee on Agriculture, having been read three several times, title and history agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Anderson, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Doe, Doran, Duffy, Ferry, Findlater, Fitzstephens, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Hilger, Holecek, Knowles, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Nass, O'Connell, O'Shea, Parker (Broadwater), Pilgeram, Porter, Ragen, Rearden (Cascade), Rognlien, Roll, Schuster, Setzer, Shannon, Somerville, Sparling, Stephens (McCone), Strange, Sullivan, Trenne, Ueland, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 70.

Noes: None.

Absent and not voting: Acher, Annin, Arnold, Blankenbaker, Daugherty, Ecton, Fowler, Givens, Groene (Fergus), Harlen, Harrington, Jensen, Kruse, Manning, Moss, Mulholland, Nelstead, Nutting, Parker (Flathead), Pierson, Quamme, Ralston, Reardon (Deer Lodge), Replogle, Rolph, Snidow, Spangler, Stevens (Wheatland), Stiefel, Waite, Woodcock. Total 31.

The Speaker: Seventy have voted "aye"; none have voted "no"; Senate Joint Memorial No. 4 was concurred in by the House.

Senate Joint Memorial No. 3 introduced by Kelsey, having been read three several times, title and history agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Anderson, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Doran, Duffy, Ferry, Findlater, Fitzstephens, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harrington, Hilger, Holecek, Knowles, Kuhl, Lewis, Logan, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Nass, O'Connell, O'Shea, Parker (Broadwater), Pilgeram, Ragen, Ralston, Rognlien, Schuster, Setzer, Shannon, Somerville, Sparling, Stephens (McCone), Trenne, Ueland, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 65.

Noes: None.

Absent and not voting: Acher, Annin, Arnold, Blankenbaker, Daugherty, Doe, Ecton, Fowler, Givens, Groene (Fergus), Harlen, Kruse, Larsen, Lott, Moss, Mulholland, Nelstead, Nutting, Parker (Flathead), Pierson, Porter, Quamme, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Roll, Rolph, Snidow, Spangler, Stevens (Wheatland), Stiefel, Strange, Sullivan, Waite, Woodcock, Jensen. Total 36.

The Speaker: Sixty-five have voted "aye"; none have voted "no"; Senate Joint Memorial No. 3 was concurred in by the House.

Senate Joint Memorial No. 5, introduced by Committee on Irrigation and Water Rights, having been read three several times, title and history agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Anderson, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Doe, Doran, Duffy, Ferry, Findlater, Fitzstephens, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Harrington, Hilger, Knowles, Kuhl, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Nass, O'Connell, O'Shea, Parker (Broadwater), Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Rognlien, Roll, Schuster, Setzer, Shannon, Somerville, Sparling, Stephens (McCone), Sullivan, Trenne, Ueland, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 67.

Noes: None.

Absent and not voting: Acher, Annin, Arnold, Blankenbaker, Daugherty, Ecton, Fowler, Freed, Givens, Groene (Fergus), Haight, Harlen, Holecek, Jensen, Kruse, Larsen, Moss, Mulholland, Nelstead, Nutting, Parker (Flathead), Pierson, Porter, Reardon (Deer Lodge), Replogle, Rolph Snidow, Spangler, Stevens (Wheatland), Stiefel, Strange, Waite, Woodcock. Total 34.

The Speaker: Sixty-seven have voted "aye"; none have voted "no"; Senate Joint Memorial No. 6 has been concurred in by the House.

Senate Joint Resolution No. 1 introduced by Eaton, Simmons, Kelsey, and Putnam, having been read three several times, title and history agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Anderson, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Doran, Duffy, Ferry, Findlater, Fitzstephens, Freudenstein, Goodwin, Grabow, Green

(Dawson), Hagerty, Harrington, Hilger, Kuhl, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Nass, O'Connell, O'Shea, Parker (Broadwater), Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Rognlien, Roll, Schuster, Setzer, Shannon, Somerville, Sparling, Stephens (McCone), Strange, Sullivan, Trenne, Ueland, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 65.

Noes: Cusker. Total 1.

Absent and not voting: Acher, Annin, Arnold, Blankenbaker, Daugherty, Doe, Ecton, Fowler, Freed, Givens, Groene (Fergus), Haight, Harlen, Holecek, Jensen, Knowles, Kruse, Larsen, Metlen, Moss, Mulholland, Nestead, Nutting, Parker (Flathead), Pierson, Quamme, Reardon (Deer Lodge), Replogle, Rolph, Snidow, Spangler, Stevens (Wheatland), Stiefel, Waite, Woodcock. Total 35.

The Speaker: Sixty-five have voted "aye"; one has voted "no"; Senate Joint Resolution No. 1, has been concurred in by the House.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that consideration of Senate Bill No. 17 on Third Reading be passed for the day.

REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your committee appointed to investigate the administration of the Civil Works Program in Silver Bow County, respectfully report as follows:

Your committee held five public hearings in the Courtroom of the Second Judicial District in the Silver Bow County Courthouse on the evening of Saturday, December 16th, on the afternoon and evening of Sunday, December 17th, and on the afternoon and evening of Monday, December 18th, and all hearings were attended by an immense crowd, which was significant of the feeling and interest of the people of Silver Bow county in respect to the necessity of an investigation; this attendance being in spite of the fact that the hearings held were given no publicity by the newspapers until requested by the chairman of the committee.

The afternoon of Saturday, December 16th and the morning of Monday, December 18th, was utilized by your committee in checking the payroll of the Civil Works Administration with the relief rolls of the county to determine to what extent the rules and regulations of the Civil Works Program were carried out in the endeavor to transfer men from relief rolls to the Civil Works Payroll.

At the hearings all the members of the Administrative Committee in Silver Bow county testified as well as the subordinate officers, and several witnesses testified as to alleged abuses and conditions as they existed. The Silver Bow County Committee charged with the administration of the Civil Works Program consists of the following: Chairman, Dr. H. D. Kistler, who in private life is the President of the Murray Hospital Corporation; Vice Chairman, J. D. Newman, President of the Louis S. Cohn Tobacco Company; Secretary, D. G. Stivers, Attorney-at-Law for the Anaconda Copper Mining Company; Treasurer, A. J. Davis, President of the First National Bank of Butte, and the remaining other members, W. J. McMahon, Commissioner of Labor for the Anaconda Copper Mining Company; J. J. Burke, Cashier of the Metals Bank and Trust Company of Butte; and Paul Hudtloff, prominent in the lumber business of Butte. This committee appointed a sub-committee, known as the Operating Committee, consisting of Mr. McMahon, James H. Rowe, a director of the Chamber of

Commerce of Butte, and a member of the firm of Lawlor and Rowe, real estate and insurance agents of Butte, and Williard S. Thompson, Secretary of the Chamber of Commerce of Butte. Because of the personnel of the committee as listed above, because some of its members had connections with the Anaconda Copper Mining Company, and other retained capacities with organizations closely affiliated with it, and with inter-locking directorates, your investigating committee had great difficulty in securing testimony from those who, it was reasonable to believe, had complaints to register with the committee. It was obvious and patent to your committee that many were reluctant and afraid to testify because of the economic consequences in a city entirely under the control and domination of one corporation, upon which nearly the entire working class population is dependent for employment in normal times.

Your committee found that Silver Bow county had been allotted a quota of 3600 men to be employed on Civil Works Projects, and later a further quota of 500 men. That of this number, 3328 had been placed at work at the time of the investigation, as shown by the list of employees furnished the committee, that the Administrative Committee listed above is and was the same committee administering relief in Silver Bow county, and by order of Harry L. Hopkins, Federal Administrator of the Civil Works Program became the Administrative Committee of the Civil Works Program, for the purpose of expediting the work of the program and placing men in gainful employment as quickly as possible. The Administrative Committee as well as the subordinate officers in charge admitted that because of the necessity for speed many mistakes were made, but your committee could find no indication where any attempt had been made to rectify them in the number of weeks that have passed since the inception of the program, and in many instances the mistakes made showed a systematic purpose and intent, as many who were already gainfully employed were transferred to more lucrative positions under the CWA, many relatives of politicians, and many relatives of those friendly to the Anaconda Copper Mining Company or holding supervising capacities with that company were placed on the payroll. Those in charge of the hiring had placed many from the same family who were on the relief rolls, and at the time of the investigation the administrative officers were removing from the payroll at least one or two of those employed from the same family, so that there might be a more equitable spread and distribution of the work, which the committee commends, provided, however, that those removed be replaced by those still on relief rolls or at least someone needy and deserving registered with the National Re-employment Service, and provided also that those who were not on relief rolls but employed be dropped immediately.

Your committee found that 235 men were given employment who were not on relief rolls. We further found that wholesale discrimination and favoritism in every imaginable form was practised in the distribution of the supervisory positions and those paying the larger wages. The relief rolls were almost completely cast aside, and many who were already employed, aldermen, aldermen's sons, friends of the Anaconda Company, some from the payrolls of the Anaconda Company, some from the payroll of the relief committee whose salaries heretofore were paid by the Anaconda Company, some from the City of Butte Payroll, the Silver Bow County Payroll, and at least one from the State Highway Commission Payroll, were merely transferred to the Civil Works Administration Payroll. The committee in charge of the administration told of the complaints registered by those who were not on relief rolls, but who were destitute and unemployed for some time, which cases were designated as borderline cases, which was responsible for much of the dissatisfaction, but which the rules and regulations prevented them from employing, yet they saw enough loophole in the said rules to permit them to employ in the better paying positions hundreds who were not on relief rolls, nor needy, nor unemployed. All of the facts set forth above are evidenced by the record and by the payroll of the administration.

Inasmuch as the relief work and the work under the Civil Works Administration were so closely connected, and eligibility for the relief rolls meant eligibility for employment under the Civil Works Program, this committee condemns the practice of the relief committee in requesting applicants for relief for their "rustling cards" which is in effect a permit issued to a working man to seek employment in the Butte mines, and demands that this pernicious practice of a private corporation to prevent those who disagree with its policies, political, social, or otherwise from getting employment, shall cease to be used in the administration of a public work, over which the Anaconda Company or any other company should have no control, and that those men who were discriminated against by failing to produce a "rustling card" be given immediate employment under the Civil Works Program.

As your committee appointed to investigate relief conditions found that members of the Communist Party of America were discriminated against in the distribution of relief in Silver Bow county, and as this discrimination consequently continued as far as the Civil Works Program was concerned, we recommend that those discriminated against for this reason be given employment immediately.

Your committee also found that there are at present 1500 people still on relief in Silver Bow County. We, therefore, recommend that those who were given employment contrary to the then existing rules and regulations be immediately dropped, and that they be replaced with men on relief rolls, or at least those deserving unemployed registered with the National Re-employment Service. We recommend, also, that a further quota of employees be granted to Silver Bow county to place those relief cases at work. We condemn the aforesaid practice of discrimination and favoritism. The jobs created under the emergency program are not pawns for politicians and private corporations to play with. They are not patronage out of which selfish corporations, and their henchmen are to reward those who grant them political favors, or are they to be dispensed as largessee to the faithful, and your committee therefore recommends that notice of these abuses be brought by this House to the Federal Administrator, the State Administrator, and the Governor of this state, and the appropriate remedy be requested.

As can be seen from the roster of the Administrative Committee in Silver Bow county and its operating sub-committee, there are two officials of the Anaconda Copper Mining Company, two bankers, three business men, a doctor, and a Secretary of the Chamber of Commerce, and as all are members of the Chamber of Commerce, and some directors of that body, it is indeed a sad commentary upon it all that in the largest industrial center of this state, where the laboring and working class form the immense majority of the population, that labor and the common people have not one single, solitary representative on the committee. Your committee believes that such a committee can not function properly and for the best interests of the people of Silver Bow county, until the great majority of the people are given some representation, and we, therefore unqualifiedly recommend that recognized and reputable representatives of labor, who are independent of corporation control, be placed on said Administrative Committee, and that the working class of Silver Bow county be given the majority of representation on such board, and that a copy of this report be forwarded to the Federal Administrator, the State Administrator, and the Governor of this state, that all the newspapers operating in Silver Bow county be sent a copy and requested to publish it in full, for the benefit of those people interested in Silver Bow county.

We submit with this report a copy of the list of those employed with the Civil Works Administration, showing whether they were listed as a relief case or not, a copy of the report of the Silver Bow County Relief Committee, a resolution adopted at a mass meeting of taxpayers condemn-

ing the abuses and violations of the Civil Works Program and requesting labor representation on the board, the affidavit of one Margaret Loughrin setting forth various complaints, and all other records now in our possession.

JERRY J. O'CONNELL, Chairman.
JAMES L. DUFFY.

It was moved by O'Connell, duly seconded, that the majority report be adopted.

On substitute motion, it was moved by Trenne, duly seconded and carried, that consideration of report offered by O'Connell be passed until tomorrow afternoon.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock Thursday, December 28th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

THIRTY-SECOND DAY

House of Representatives,
Helena, Montana, December 29, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Blankenbaker, Givens, Reardon (Deer Lodge), Setzer, Snidow, excused.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the twenty-fifth and twenty-sixth legislative days of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred Substitute House Bill No. 17 do hereby report that said bill, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 1:35 o'clock P. M., delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

December 27, 1933.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 62, a bill for an Act entitled: "An Act authorizing Bartholomew C. Dignan to file with the State Board of Examiners his claim against the State of Montana for compensation for injuries, for reimbursement for expenses occasioned by injuries received by him while employed in the office of the State Treasurer by reason of the ceiling falling upon him, and authorizing the said State Board of Ex-

aminers to hear, audit and determine the said claim, and making an appropriation to pay any such claim of said Bartholomew C. Dignan which said State Board of Examiners may approve and allow," respectfully report as follows: That House Bill No. 62 do pass.

SHANNON, Chairman.

On motion of Marshall, report adopted.

December 27, 1933.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 73, entitled: A bill for an Act entitled: "An Act to appropriate money from the State Highway Fund for the operation and maintenance of the Horticultural Division of the Department of Agriculture, Labor and Industry for the period beginning January 1, 1934, and ending June 30, 1935, and additional to and supplementing the appropriations made for such office by the Twenty-third Legislative Assembly in Regular Session," respectfully report as follows: That House Bill No. 73 do pass.

SHANNON, Chairman.

On motion of Marshall, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

December 27, 1933.

The Speaker,
House of Representatives,
Helena.

I have the honor to advise you that I have this day approved Substitute for House Bill No. 17, "An Act to authorize the construction of a building or buildings for the State Insane Asylum at Warm Springs, Montana," etc.

F. H. COONEY,
Governor.

December 27, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on roll call, House Bills 61 and 63 were rejected by the Senate this day, and the same are herewith returned to the House.

Respectfully,
C. J. McALLISTER,
Secretary of the Senate.

December 27, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 68, by Committee on State Institutions, Public Buildings and Grounds, was this day introduced in the Senate, read first and second time, and referred to Committee on State Boards and Offices.

Respectfully,
C. J. McALLISTER,
Secretary of the Senate.

December 27, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Sub. H. B. No. 17 was this day signed by the President in open session.

Respectfully,
C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Goodwin, duly seconded and carried, that Senate Bill No. 17 be taken from Third Reading and put on bottom of the list on General Orders, for the purpose of amending.

THIRD READING OF HOUSE BILLS

Without objection, bills on Third Reading were read by history and title only.

House Bill No. 7, introduced by Beadle, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Marshall, Mason, Metlen, Miles, Miller (Lincoln), Mulholland, Nass, O'Connell, Parker (Flathead), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Replogle, Rognlien, Rolph, Schuster, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Sullivan, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Mr. Speaker. Total 73.

Noes: Arnold, Balgord, Cusker, Findlater, Green (Dawson), Groene (Fergus), Knowles, Kuhl, Miller (Big Horn), Nutting, O'Shea, Parker (Broadwater), Stiefel, Strange, Trenne, Ueland, Woodcock. Total 17.

Absent and not voting: Annin, Blankenbaker, Givens, Manning, Moss, Nelstead, Reardon (Deer Lodge), Roll, Setzer, Snidow, White. Total 11.

Mr. Speaker: Seventy-three have voted "aye," 17 have voted "no"; House Bill No. 7 has passed the House.

House Bill No. 7, being a Constitutional Amendment, is herewith spread on the Journal.

HOUSE BILL NO. 7

Introduced by Beadle: A bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 4, of Article 18, of the Constitution of the State of Montana, relating to the hours of labor in all industries, occupations, undertakings and employments."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4, of Article 18, of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held on November 6, 1934.

Section 2. That Section 4, of Article 18, of the Constitution be, and the same is hereby amended to read as follows:

"Section 4. A period of eight (8) hours shall constitute a day's work in all industries, occupations, undertakings, and employments, except farming and livestock raising; provided, however, that the Legislative Assembly may by law reduce the number of hours constituting a day's work whenever in its opinion a reduction will better promote the general welfare, but it shall have no authority to increase the number of hours constituting a day's work beyond that herein provided."

Section 3. Separate official ballots shall be provided at said general election, which shall have printed thereon all of said Section 4, Article 18, of the Constitution, as amended by this Act, and below the same shall be printed the words:

☐

For the above written amendment to the Constitution.

☐

Against the above written amendment to the Constitution.

Each elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote.

Section 4. The votes for and against the amendment above proposed shall be canvassed, determined and declared as provided by the General Election Laws of the State of Montana.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in full force from and after its passage and approval.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders and that all bills be read by history, title and section number only.

Shannon in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

December 28, 1933.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: Senate Bill No. 17, beg leave to report as follows: That Senate Bill No. 17 be concurred in.

SHANNON, Chairman.

On motion of Shannon, report adopted.

THIRD READING OF SENATE BILLS

Without objection, bills on Third Reading were read by history and title only.

Senate Bill No. 17, introduced by Danielsen, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Arnold, Balgord, Ballard, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Findlater, Fitzstephens, Fowler, Grabow, Groene (Fergus), Hagerty, Haight, Harlen, Hilger, Holecek, Jensen, Knowles, Kruse, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Nass, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Porter, Quamme, Ragen, Ralston, Replogle, Rognlien, Roll, Schuster, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 75.

Noes: Annin, Beadle, Ferry, Freed, Freudenstein, Goodwin, Green (Dawson), Mulholland, O'Connell, Pierson, Pilgeram, Rearden (Cascade), Rolph, White. Total 14.

Absent and not voting: Blankenbaker, Givens, Harrington, Manning, Metlen, Nelstead, Reardon (Deer Lodge), Setzer, Snidow, Sullivan, Watson (Meagher). Total 11.

The following passed their vote: Kuhl. Total 1.

The Speaker: Seventy-five have voted "aye," 14 have voted "no"; Senate Bill No. 17 has been concurred in by the House.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF THE SAME

Unanimous consent was given to introduce, without notice, the following appropriation bill which was read first time and second time at length and referred to Committee on Appropriations:

House Bill No. 75, introduced by Committee on Appropriations: A bill for an Act entitled: "An Act to appropriate money from the General Fund for the operation and maintenance of the office of the State Engineer for the period beginning July 1, 1933, and ending June 30, 1935; and additional to and supplementing the appropriations made for such office by the Twenty-third Legislative Assembly in Regular Session."

It was moved by Besancon, duly seconded and carried, that the House extend a cordial invitation to Miss Jeanette Rankin, former Congresswoman, to address the House in formal session, December 29th, 1933, at 2:00 o'clock P. M., and an invitation also be extended to the state officers and the Senate to join in such informal session.

The Speaker designated Byrne of Toole, Stiefel of Gallatin, and Sparling of Sheridan to act with the committee appointed by the Senate to investigate insurance under motion of yesterday by Besancon.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF SELECT COMMITTEES

Mr. Speaker: I, being a member of your committee appointed to investigate the administration of the Civil Works program in Silver Bow County, Montana, respectfully render a minority report as follows:

Our committee held five public hearings in the Courtroom of the Second Judicial District Court in Silver Bow County on December 16, 17, and 18, 1933, which meetings were attended by approximately 300 people per meeting.

At these meetings all of the members of the committee in charge of the administration of the Civil Works Program in Silver Bow County testified as to the part they took in the administration of the work program. Testimony on Monday afternoon showed conclusively that there was no domination by any corporation or individual concerning the work of the Civil Works Committee. From the testimony of this committee we found that a so-called Operating Committee consisting of W. J. McMahon, James H. Rowe and Willard S. Thompson, was more or less directly responsible for the hiring of the general foreman and some of the other higher supervisory officers. At no time during our investigation was any evidence presented to show that there was any discrimination made in favor of any particular individual. The principal complainant to testify before our com-

mittee was one Margaret Loughrin, who testified at some length regarding certain alleged abuses and conditions as they existed. At no time, however, were any affidavits presented or any names mentioned whereby our committee might be guided.

We found that the Silver Bow Committee had been allotted a quota of 3,600 men, and later on was allotted an additional 500 men, and that of this number approximately 3,400 had been placed at work at the time of the investigation. The first 1,573 men so placed were taken from the relief roll exclusively, 975 of these men were working on Monday, the first day the Civil Works Program went into effect. At the end of six days 2,500 men had been put to work. It was brought to our attention that it seemed to be one of the prime purposes of this Act to put these men to work in just as short a time as possible; that while this was being done they were working under orders from the State Committee, and that these orders, or rules or regulations were changed no less than five times during the first two weeks of operation of the program, and that naturally these changes caused a great deal of confusion, and undoubtedly caused a number of mistakes and errors in judgment which might have been avoided had they not tried to put the thing over in such a short time.

Our committee also found that approximately 235 men were given employment who were not on relief rolls. Out of this number of men, approximately 125 were placed in supervisory positions. One of the chief complaints seemed to be the fact that the Assistant City Engineer was asked to resign from his position so that he might take charge of the project having to do with sewer construction. Personally, I feel that this was perhaps one of the wisest things this committee did, for the reason that this man knew all about the various sewer lines, outlets, etc., in the city and could get this work under way without any delay and without any serious mistakes which might possibly cost a considerable sum of money.

During the entire investigation the question of relief was brought into the testimony time and again. In this connection the matter of rustling cards was called to our attention. Testimony was offered tending to show that an applicant for relief must have in his possession his so-called rustling card. At no time, however, was any evidence introduced to show that a person was refused work by the Civil Works Committee for the reason that he did not possess such a card.

I would respectfully recommend that Silver Bow County be allotted a further quota of employees, and I also recommend that for the best interests of all concerned that some members of organized labor be given representation on the committee in charge of the Civil Works Program.

My reaction to this investigation and it is my best judgment, that this dissension in Silver Bow County is caused by the fact that there are too many people on relief who are seeking work and not enough jobs to go around, which is not a situation that is peculiar to Silver Bow County alone, although perhaps on a larger scale there, than is to be found in the other counties, as there are so many more people thereon relief and seeking employment.

The committee in charge of the Civil Works Program has made mistakes, quite a number of them, which they have not in any way denied but were rather frank to admit that they did make these mistakes and they also testified that they were being corrected just as rapidly as they could get a check on them. So that considering the magnitude of the undertaking, the time they were given to put these men to work, the frequent changes in the rules and regulations received by them from the State Committee and under which they must work, I consider that they did a mighty good job.

I respectfully ask that a copy of this report be forwarded to the Federal Administrator of Public Works, the State Administrator of Public Works, and to the Governor of this state.

Signed: MARTIN P. TRENNE.

It was moved by Trenne, duly seconded, that the minority report be adopted.

On substitute motion, duly seconded, it was moved by O'Connell that the majority report be adopted.

A roll call was demanded by the required number.

Whereupon roll call the substitute motion of O'Connell was lost by the following vote:

Ayes: Abrahamson, Anderson, Beadle, Besancon, Bjerneby, Chapman, Daugherty, Duffy, Fowler, Freed, Haight, Harlen, Holecek, Kruse, Kuhl, Love, Manning, Miles, Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Pilgeram, Rearden (Cascade), Rolph, Stephens (McCone), Strange, Whaley, White. Total 31.

Noes: Annin, Balgord, Breitenstein, Byrne, Campbell, Cusker, Doe, Doran, Ecton, Findlater, Fitzstephens, Goodwin, Grabow, Green (Dawson), Groene (Fergus) Hagerty, Hilger, Jensen, Knowles, Larsen, Lewis, Lott, McCarvel, McDermott, McElwain, Marshall, Mason, Metlen, Miller (Big Horn), Miller (Lincoln), Moss, Nelstead, Parker (Broadwater), Porter, Quamme, Ralston, Reardon (Deer Lodge), Rognlien, Roll, Somerville, Spangler, Sparling, Stevens (Wheatland), Stiefel, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Wigal, Woodcock, Mr. Speaker. Total 53.

Absent and not voting: Acher, Arnold, Ballard, Blankenbaker, Conner, Ferry, Freudenstein, Givens, Harrington, Pierson, Ragen, Replogle, Schuster, Setzer, Shannon, Snidow. Total 16.

The following passed their vote: Logan. Total 1.

Mr. Speaker: Thirty-one have voted "aye"; fifty-three have voted "no"; substitute motion was lost.

Whereupon motion of Trenne was carried and the minority report was adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the twenty-seventh and thirty-first legislative days of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

December 28, 1933.

Mr. Speaker: We, your Committee on Judiciary having had under consideration Senate Bill No. 9 entitled:

"An Act authorizing and permitting cities and towns to make loans from the United States, or any of its agencies created for such purpose under the Acts of Congress known as the Emergency Relief and Construction Act of 1932, and National Industrial Recovery Act, and Acts amendatory thereof and supplementary thereto, for the construction, purchase, acquisition, enlargement, extension or improvement of municipal water plants and systems, the construction, enlargement, extension or improve-

ment of sewers, sewer systems, septic tanks or other plants or systems for the treatment, purification or disposal of sewerage, providing the method or procedure therefor and validating all proceedings and elections heretofore commenced or held for such purposes, or any thereof."

Respectfully report as follows: That Senate Bill No. 9 be not concurred in.

GROENE, Chairman.

On motion of Groene, report adopted.

December 28, 1933.

Mr. Speaker: We, your Committee on Appropriations having had under consideration House Bill No. 75 entitled:

A bill for an Act entitled: "An Act to appropriate money from the General Fund for the operation and maintenance of the office of the State Engineer for the period beginning July 1, 1933, and ending June 30, 1935 and additional to and supplementing the appropriations made for such office by the Twenty-third Legislative Assembly in regular session.

Respectfully report as follows: That House Bill No. 75 do pass.

SHANNON, Chairman.

On motion of Shannon, report adopted.

CONSIDERATION OF MESSAGES FROM SENATE AND GOVERNOR

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read and the Journal so show.

December 28, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Corwin, duly seconded and carried, House Bill No. 42 was this day taken from General File and re-referred to Committee on State Boards and Offices.

On motion of Senator Kaulbach, duly seconded and carried, House Bill No. 48 was this day taken from the Committee on Corporations Other than Municipal, and re-referred to Committee on Taxation.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 28, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion, the Senate refused to accept House Bill No. 7, by Beadle, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 28, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on State Boards and Offices this day recommended H. B. No. 42 be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, December 28, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on State Boards and Offices: That H. B. No. 68 be amended by adding at the close of Section 5, in line 7, on page 3, engrossed bill, after the word "thereon" the following:

"Provided further that in the construction of building or buildings provided for under this Act Montana Labor and Montana materials shall be given preference."

And as so amended, recommend said H. B. No. 68 be concurred in, report adopted.

Committee on Judiciary: That Sub. H. B. No. 30 be amended by striking out in Section 2, engrossed bill, all of paragraph (F) and relettering the following paragraphs of said section accordingly.

Further amend by striking out all of paragraph (K) in said Section 2.

Further amend by striking out in Section 9, engrossed bill, in line 23, the words "store vendor."

Further amend by striking out in Section 6, engrossed bill, in line 16, the words "store vendor."

Further amend by striking out all of Section 11, engrossed bill, and renumbering succeeding sections accordingly.

Further amend by striking out in Section 15, engrossed bill, all of line 19.

Further amend by striking out all of Section 16, engrossed bill, and renumbering succeeding sections accordingly.

And as so amended, recommend said Sub. H. B. No. 30 be concurred in, report adopted.

Committee on Judiciary: That H. B. No. 52 be concurred in.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee, appointed to consider Senate amendments to House Bill No. 1, entitled: A bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana for 1921, as amended by Section 1 of Chapter 103 of the Montana Session Laws of 1933, and to repeal Section 3 of Chapter 158, Session Laws of 1931, relating to registration and registration fees of motor vehicles and dealers thereof and distribution of the revenues received therefrom," beg leave to report as follows: We agree to all Senate amendments except Senate amendment as follows:

"Amend by striking out all words and figures in lines 16, 17 and 18 on the first page, printed bill, and inserting in lieu thereof the following words and figures: "Motor vehicles weighing twenty-seven hundred and fifty (2750) pounds or under, other than motor trucks, Five Dollars (\$5.00); motor vehicles weighing over twenty-seven hundred and fifty (2750) pounds and under thirty-three hundred (3300) pounds, other than motor trucks, Seven Dollars and Fifty Cents (\$7.50); motor vehicles weighing over thirty-three hundred (3300) pounds, other than motor trucks, Ten (\$10.00) Dollars," from which the Senate recedes, and agree that said amendment be stricken, and that lines 16, 17 and 18 of Section 1 of said printed House

Bill No. 1 be stricken, and that in lieu thereof, the following be inserted: "Motor vehicles weighing twenty-nine hundred and fifty (2950) pounds or under, other than motor trucks, Five Dollars (\$5.00); motor vehicles weighing over twenty-nine hundred and fifty (2950) pounds, other than motor trucks, Ten Dollars (\$10.00)," and recommend that this Conference Committee report be adopted.

HUSBAND,
LARSON,
DANIELSEN,
For Senate.

BREITENSTEIN,
H. SPARLING,
BEADLE,
For House.

It was moved by Haight, duly seconded and carried, that further consideration of conference report be deferred until tomorrow morning.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Friday, December 29, 1933.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

THIRTY-THIRD DAY

House of Representatives,
Helena, Montana, December 29, 1933.

House convened, pursuant to adjournment, at 10:00 o'clock.

Mr. Speaker in the Chair. Invocation by Reverend Hagen.

On roll call, all members present except the following: Blankenbaker, Givens, Setzer, Snidow, excused.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

Sub. H. B. No. 67, H. B. No. 73 and No. 62, and House Memorial No. 2.

SOMERVILLE, Chairman.

Without objection, report adopted.

REPORT OF THE COMMITTEE ON WAYS AND MEANS

That your Committee on Ways and Means, instructed to investigate expenditures of various state funds and ascertain whether the state boards and officers are operating within the amount allotted to them, and, if not, the explanation for such excessive expenditures, having secured figures from the State Accountant for the first four months of the fiscal year, begs leave to report as follows:

Department of Agriculture

Out of an appropriation of \$6,840 for salaries for the year there has been expended \$2,766.67 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$1,460.01.

Horticulture and Secretary. Out of an appropriation of \$3,450.00 for the year there has been expended \$1,500.00 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$1,050.00.

Out of an appropriation of \$2,000.00 for salary and traveling expenses for the year for inspectors, the whole amount has been expended, leaving nothing for the remaining eight months.

Explanation: Mr. Stafford, Commissioner of Agriculture, states that the appropriation made was not sufficient to care for the necessary work of his office. Further \$1,200.00, earnings of the real estate division, has been tied up so that it is unavailable. He says further, that when the appropriation is depleted, he will be compelled to ask the Board of Examiners to use funds for the ensuing year. We find salaries in this department have not been cut. Part of these salaries are fixed by law and the Commissioner was instructed by a member of the Board of Examiners not to cut salaries of subordinates.

Attorney General

Out of an appropriation of \$18,000.00 for salaries for the year there has been expended \$6,480.00 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$1,440.00.

Explanation: Mr. Nagle, Attorney General, states that he will operate this year on \$4,500.00 under previous yearly expenditures "despite the fact that our work is nearly doubled." The salaries of six of the staff are fixed by law. This leaves \$2,850.00 for the payment of stenographers. The load of his office is greatly increased and with anticipated new measures, will be increased still more. Mr. Nagle has four assistants where previously there were five. The office has examined 111 school bond issues against a former average of 28; 406 final opinions were given against previous average of 125. Mr. Nagle says that he intends to continue to give necessary service to the state and, if necessary, ask the next Legislature for the "small amount necessary to complete the biennium."

Farm Loan Division

Out of an appropriation of \$4,450.00 for salaries for the year there has been expended \$1,583.32 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$699.96.

Capitol Building

Out of an appropriation of \$24,890.00 for the year there has been expended \$10,504.47. At this rate there will be a deficit at the end of the fiscal year of \$6,623.41.

Capitol Operation

Out of an appropriation of \$4,150.00 for the year there has been expended \$2,787.71. At this rate there will be a deficit at the end of the fiscal year of \$362.29.

Explanation: The Custodian, Mr. Small, states that the salary of Janitor is fixed by law and that he cannot reduce his force and take proper care of the Capitol. Necessary repairs on the Capitol, fixing the roof and other measures necessary to preserve it compelled him to expend the greater part of this appropriation. The number of employees have not been increased and the wage is fixed by law.

Auditor, Insurance Department

Out of an appropriation of \$8,250.00 for salaries for the year there has been expended \$2,975.00 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$675.00.

Civilian Rehabilitation

Out of an appropriation of \$3,450.00 for salaries for the year there has been expended \$1,480.00 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$990.00.

Explanation: Mr. Frederick states that he can draw money from Federal allotments so as to live within his income.

State Engineer

Out of an appropriation of \$4,170.00 for salaries for the year there has been expended \$1,800.00 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$1,230.00.

Explanation: The salary of the Engineer is fixed by law. Mr. James plans to continue work of office until funds are exhausted and then discontinue his activities.

Board of Equalization

Out of an appropriation of \$20,490.00 for salaries for the year there has been expended \$8,749.94 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$5,759.82.

Explanation: The Chairman states the salaries of the board members are fixed by law. He hopes there will be revenue from new tax measures which will enable this department to continue without deficit. As this board had no reason to anticipate new revenue, this does not excuse them overrunning the amounts appropriated.

Board of Examiners

Out of an appropriation of \$6,546.00 for the salaries for the year there has been expended \$2,340.00 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$474.00.

State Forestry

Out of an appropriation of \$12,000 for salaries for the year there has been expended \$10,985.90, in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$1,014.10.

Explanation: The work in this office is heaviest during the first part of the year.

Office of Governor

Out of an appropriation of \$12,500.00 for salaries for the year there has been expended \$5,028.44 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$2,585.32.

Operation: Out of an appropriation of \$1,000.00 for operation for the year there has been expended \$1,448.71 in the first four months.

Governor's Mansion: Out of an appropriation of \$3,900.00 for operation and maintenance there has been expended \$1,997.12 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$2,091.36.

Explanation: Mr. Aiken, Secretary of the Governor, states that "Governor Cooney has found the appropriations made by the Regular Session wholly inadequate." The business of the office has increased noticeably within the past six months. The Governor has asked for an increase of appropriation for this office. No explanation was given as to the expenditures on the Governor's Mansion.

Historical Society

Out of an appropriation of \$3,240.00 for salaries for the year there has been expended \$1,400.00 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$960.00.

Explanation: Mr. Hilger states that the Board of Examiners directed him to make out a "pay roll on former basis of \$350.00 per month."

Industrial Accident Board

Out of an appropriation of \$16,000.00 for salaries for the year there has been expended \$14,786.28 in the first four months.

Explanation: Mr. Clements says the Legislature gave him "all income which comes to the Industrial Administration Fund for the payment of any expenses," and that this Board will live within its appropriation.

Lands and Investments

Out of an appropriation of \$17,740.00 for salaries for the year there has been expended \$7,010.33 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$3,290.99.

Explanation: Mr. Brandjord states that the Board of Examiners in July, 1933, refused to allow the set-up reducing salaries and that "the State Board of Land Commissioners adopted a motion to the effect that the salaries for the present year should remain unchanged." The Board of Examiners has entirely disregarded the appropriation made and the intent of the Legislature that salaries should be reduced.

Law Library

Out of an appropriation of \$3,315.00 for salaries for the year there has been expended \$1,433.32 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$984.96.

Explanation: The Librarian states salaries of this department are fixed by law, so that he is unable to keep within the appropriation.

State Prison

Out of an appropriation of \$55,000 for salaries for the year there has been expended \$21,643.51 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$9,920.53.

Explanation: Mr. Middleton, the warden, says that his appropriation was cut \$40,000.00, of which the salary cut was \$13,640.00. The eight hour law requires three shifts of guards. A certain number of guards are required to man towers, cell houses and the yard. He is discontinuing one tower this month which will amount to a saving of \$125.00 per month. Further reductions seem impossible if "present efficiency and discipline are maintained."

Purchasing Agent

Out of an approximation of \$6,850.00 for salaries for the year there has been expended \$2,613.32 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$689.96.

Explanation: Mr. Murphy says: "We laid off one employee on July 1st, of this year," but that the "large volume of buying for highway department and prospect of additional work due to public works and institutional buildings" will not enable him to live within the amount appropriated and handle the office efficiently.

Secretary of State

Out of an appropriation of \$13,140.00 for salaries for the year there has been expended \$4,840.00 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$1,380.00.

Explanation: Mr. Mitchell says it was necessary to continue an extra man to bring the details of office work up to date. In the spring one man will be cut from the pay roll and the office should live within the appropriation.

Superintendent of Public Instruction

Out of an appropriation of \$6,730.00 for salaries for the year there has been expended \$2,608.09 in the first four months.

Explanation: While this rate would apparently indicate a deficit at the end of the year, Miss Ireland states that most of the expense of operation comes at the beginning of the year, so that she hopes to live within her appropriation.

State Treasurer

Out of an appropriation of \$13,500.00 for salaries for the year there has been expended \$5,000.00 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$1,500.00.

Explanation: Mr. Brett states that "the duties of this office have been materially increased during the past six months. We are attempting to keep the cost down as low as possible."

T. B. Sanitarium

Out of an appropriation of \$48,000.00 for salaries for the year there has been expended \$19,089.85 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$9,269.55.

Explanation: No data is at hand to account for this expenditure.

Girls' Vocational School

Out of an appropriation of \$625.00 for capital for the year there has been an over-draft of \$147.69, in the first four months. Out of an appropriation of \$4,193.00 for operation for the year there has been expended \$2,423.92 in the first four months. At this rate there will be a deficit at the end of the fiscal year of \$2,358.76.

Explanation: The superintendent, Mrs. Ives, says there has been a great deal of necessary repair work which was approved by the Board of Examiners; that there has been an increase of twenty-five per cent in enrollment. However, we find that allowing for this increase she is still exceeding the appropriation. Even if the appropriation was increased twenty-five per cent, she would still be exceeding her quota.

Revolving Fund, Department of Agriculture, Horticulture Division. Salaries and Traveling Expenses

Out of an appropriation of \$7,730.00 for the year there has been an over-draft of \$1,693.73, in the first four months.

Explanation: Mr. Knight, chief of horticulture, says that necessary inspections required this expenditure and that the inspectors have also inspected weight of trucks coming into the state, checked on excess amounts of gasoline coming into the state, and checked on truck loads of cattle taken out of the state. These services are outside the activities of his department but give a necessary service to the state and more than justify the money expended.

Findings

Your committee has checked expenditures on all departments and reported only on those now exceeding amounts allowed them by the last legislature. Explanations by heads of departments have been given for their operations. Your committee makes additional observation as follows:

The expenditures of the Attorney General seem necessary and the extra services of his office indispensable.

Unusual expenditures on the capitol building were authorized by the Board of Examiners and were incurred before the employment of the present Custodian. Contract for this work was given without bids being called for, as required by statute where the amount of the contract exceeds \$500.00, and apparently authorized without formal action of the Board of Examiners. We have not been able to determine the necessity for such extensive repairs.

The Board of Equalization will show a deficit of \$5,759.82 this year. While they anticipate revenues from new tax measures will meet this deficit, this does not seem to explain their disregard of the amount appropriated.

The expenditures of the State Forestry Department are largely used in protecting forests against fire and are properly spent in the first part of the year.

Expenditures of the governor for salaries and operation were far in excess of the amount appropriated. No detailed information was furnished as to the additional load on this office.

In Lands and Investments, Mr. Brandjord proposed certain salary cuts to meet reduced appropriations, but the Board of Examiners instructed him to continue on the old schedule.

While the Superintendent of the Vocational School, Mrs. Ives, says there has been a decrease in her per capita cost, we find the school is still exceeding appropriations. And we recommend that the Vocational School live within the amounts appropriated by the legislature.

In general, the disposition on the part of all departments is to live within their incomes. We believe that if departmental expenditures are to be reduced, it will be necessary to adopt a uniform schedule, and reduce the salaries fixed by law; perhaps the amount of such salaries should be determined from time to time as revenues permit.

We find in at least two departments, State Lands and Department of Agriculture, that the Board of Examiners over-rode the appropriations set out by the last legislature, which were intended to reduce salaries, and that they maintain the former rates of pay. Such action will create deficits and is in direct disregard of the laws of the state.

Article V. Section 34, of the Constitution of the State of Montana. "No money shall be paid out of the Treasury except upon appropriations made by law." This plainly means that the legislature not only has sole power of appropriations, but that the amounts of such appropriation should be the limit of expenditures in all departments. When the legislature sets up appropriations, no official should defy such action under plea that it is impossible to reduce expenses. We censure the departments which improperly exceed appropriations and the Board of Examiners who have dictated maintenance of salaries at the former level.

ABRAHAMSON.

On motion of Abrahamson, report adopted.

December 28, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled:

H. B. No. 58.

L. E. LARSEN, Chairman.

Without objection, report adopted.

We hereby certify that we have this day received Enrolled House Bill No. 58, and same has been found to be correct.

E. J. BYRNE,

The Speaker announced he was about to sign House Bill No. 58, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Special Committee appointed to investigate the repairs and improvements on the State Capitol Buildings and the grounds thereof, beg leave to report as follows:

Your committee has begun its investigation but by reason of certain facts hereinafter set forth, your committee is embarrassed and unable to report finally on this matter and desires to submit its first report thereon.

As we understand the facts, certain repairs and improvements were deemed advisable, and with that end in view, the services of an architect were desired. The gentleman selected, informed your committee that a resolution of the Board of Examiners had been adopted employing him in such capacity, when as a matter of fact, the State Board of Examiners held its meeting and adopted such a resolution after your committee had received such assurance from him.

Careful inquiry reveals that to date the State Board of Examiners has not yet formally adopted any exact specifications with reference to what work is to be done. It is true that certain items are mentioned, but there seems to be nothing definite about any of them. For instance, there seems to be no definite understanding whatever with reference to what sort of driveway is to be constructed in front of the building, whether the drive way is to be ten or twenty feet in width, whether a parking space is to be provided or not. Further, there seems to be no budget whatever as what each contemplated repair or improvement is to cost, and it may well be that funds will be exhausted before final completion.

In view of the fact that more than \$200,000.00 is to be expended, including a large appropriation from the State of Montana, it would seem to your committee that ordinary business judgment would require that the State Board of Examiners should have before it and duly adopt, a complete and detailed specification of what is to be done, together with a budgeted arrangement so that funds appropriated will carry out the whole plan. This, particularly so, when a large amount of work has already been done, seemingly, without any regard to a detailed plan.

Your committee, therefore, recommends that the State Board of Examiners should immediately meet and arrive at some comprehensive and detailed plan, based upon a complete specification of the work to be done with each portion thereof budgeted with reference to the whole plan, and the funds available. When this is done, then your committee can complete its report.

We further recommend that a copy of this report be delivered immediately to the State Board of Examiners, together with a certificate from the Clerk of the House, showing its adoption by the House of Representatives.

HAIGHT, Chairman.
GROENE,
WATSON (of Meagher),
EVERETT DOE,
ROLL.

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bill No. 58 do hereby report that said bill, together with a copy thereof, signed by the Speaker of the House and Presiednt of the Senate, was this day, at the hour of 11:00 o'clock A. M., delivered to the Governor for his approval.

MULHOLLAND, Chairman.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the House now take up conference committee report on House Bill No. 1.

It was moved by Breitenstein, duly seconded, that the House adopt report of Conference Committee.

On substitute motion, it was moved by Besancon, duly seconded and carried that the Conference Committee Report on House Bill No. 1 be not adopted and that the Conference Committee of the House be discharged and a new Conference Committee be appointed and also one from the Senate.

The Speaker designated Haight of Fergus, Besancon of Missoula and Ueland of Sheridan to act as Conference Committee with a like committee from the Senate on House Bill No. 1.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules adopted yesterday.

Byrne in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

December 29, 1933.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: Senate amendments to House Bills Nos. 6, 31, Sub. 5, 19, Sub. 18 and 26 and House Bill No. 62, beg leave to report as follows:

That Senate amendments to House Bill No. 6 be not concurred in and that a Conference Committee be appointed by the House and a like committee be requested in the Senate.

That Senate amendments to House Bill No. 31 be not concurred in and that a Conference Committee be appointed by the House and a like committee be requested from the Senate.

That Senate amendments to Substitute House Bill No. 5 be not concurred in and that a Conference Committee be appointed by the House and a like committee be requested from the Senate.

That Senate amendments to House Bill No. 19 be not concurred in and that a Conference Committee be appointed by the House and a like committee be requested from the Senate.

That Senate amendments to H. B. No. 18 be concurred in.

That Senate amendments to House Bill No. 26 be concurred in.

That House Bill No. 62 do pass.

E. J. BYRNE, Chairman.

On motion of Byrne, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded and carried, that a new committee be appointed to further investigate the overdrafts and excessive expenditures in the various departments, state offices, commissions and institutions, and to investigate all the various activities of the State Board of Examiners as to expenditures, contracts, etc. Such committee shall be authorized also to investigate the separate offices of the members of the State Board of Examiners, and shall be authorized to subpoena such witnesses as shall be necessary and administer oaths, and to ascertain who is responsible and why the Legislative appropriations have been disregarded, and report its findings and recommendations to the House not later than seven days from this date, December 29th. This committee shall consist of two members of the Ways and Means Committee, two members of the Judiciary Committee and two members of the Appropriations Committee and one other member.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

The Speaker designated Abrahamson and Marshall on the Ways and Means Committee, Groene of Fergus and Nelstead on Judiciary Committee, and Shannon and Logan on the Appropriations Committee and Metlen of Beaverhead to further investigate state departments under motion by Haight made today.

The Speaker designated Groene of Fergus, Fitzstephens and Nelstead as Conference Committee to act with like committee from the Senate on Senate amendments to House Bill No. 19.

The Speaker designated Byrne, Groene of Fergus, and Ueland as Conference Committee to act with like committee from the Senate on Senate amendments to House Bill No. 6.

The Speaker designated Arnold, Schuster and Waite as Conference Committee to act with like committee from the Senate on Senate amendments to House Bill No. 31.

The Speaker designated Besancon, Rognlien and Lott as Conference Committee to act with like committees from the Senate on Senate amendments to House Bill No. 5.

Moss in the Chair.

Miss Jeanette Rankin addressed the members of the House, the state officers and members of the Senate in informal session, upon World Peace.

House resumed. Mr. Speaker in the Chair.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

December 29, 1933.

The Speaker,
House of Representatives,
Helena.

I have the honor to advise you that I have this day approved House Bill No. 58, "An Act to prohibit and prevent the waste of crude petroleum in the State of Montana; creating an Oil Conservation Board"; etc.

F. H. COONEY,
Governor.

It was moved by Besancon, duly seconded and carried, that messages from the Senate be considered read at length and the Journal so show.

December 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 68, by Committee on State Institutions, Public Buildings and Grounds, was this day read three several times and concurred in as amended, title and history agreed to, and bill is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 52, by Committee on Revenue and Taxation, was this day read three several times and concurred in, title and history agreed to, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Joint Conference Committee, on Senate amendments to H. B. No. 1, was this day, on roll call, adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President Pro Tem of the Senate this day signed in open session, H. B. No. 58.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Campbell, duly seconded and carried, Sub. H. B. No. 30 was this day taken from General File and re-referred to the Committee on Judiciary.

On motion of Senator Holt, duly seconded and carried, H. B. No. 68 was this day taken from Third Reading and re-referred to General File.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 52 be concurred in.

That H. B. No. 68 be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 68 be amended in Section 4 of the printed bill by striking out in line 6 the words, "less than," and inserting in lieu thereof the word "exceeding," and as so amended, recommend said House Bill No. 68 be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

December 29, 1933.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 23 entitled: "An Act to amend Section 29 of Chapter 105 of the Laws of the Twenty-third Legislative Assembly of the State of Montana, relating to the sale of liquor," respectfully report as follows:

That Senate Bill No. 23 the same be returned to the Senate without further consideration by the House for the reasons:

(1) That such bill is not in any subject mentioned in the call of or in any message from the Governor.

(2) That it appears to be a bill for raising revenue, which cannot originate in the Senate.

GROENE, Chairman.

On motion of Groene, report adopted.

December 29, 1933.

Mr. Speaker: We, your Committee a Minority of Judiciary, having had under consideration Senate Bill No. 22, entitled: "An Act regulating the salary of vendors and also every officer, inspector, clerk or other employee to be employed by the Montana Liquor Control Board in the State of Montana," respectfully report as follows: That Senate Bill No. 22 be concurred in.

GROENE,
NELSTEAD,
PIERSON,
ECTON.

December 29, 1933.

Mr. Speaker: We, your Committee a Majority of Judiciary, having had under consideration Senate Bill No. 22, entitled: "An Act regulating the salary of vendors and also every officer, inspector, clerk or other em-

ployee to be employed by the Montana Liquor Control Board in the State of Montana," respectfully report as follows: That Senate Bill No. 22 be not concurred in.

FITZSTEPHENS,
O'CONNELL,
REPLOGLE,
BESANCON,
BYRNE,
J. L. DUFFY.

It was moved by Nelstead, duly seconded, that minority report on Senate Bill No. 22 be adopted.

On substitute motion, it was moved by Besancon, duly seconded, that the majority report on Senate Bill No. 22 be adopted.

As a substitute motion for all motions pending, it was moved by Besancon, duly seconded and carried, that Senate Bill No. 22 be placed on General Orders.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Byrne in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

December 29, 1933.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: Senate amendments to House Bill No. 68 and Senate Bill No. 22, beg leave to report as follows:

That Senate amendments to House Bill No. 68 be concurred in.

That Senate Bill No. 22 be amended as follows:

Amend Section 4 by striking out in line 3 the word "two" and inserting in lieu thereof the word "three," and as amended be concurred in.

BYRNE, Chairman.

On motion of Byrne, report adopted.

THIRD READING OF SENATE BILLS

Senate amendments to Substitute House Bill No. 18, having been read three several times, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Arnold, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Campbell, Chapman, Conner, Doran, Duffy, Ecton, Ferry, Findlater, Fowler, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, McCarvel, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Somerville, Spangler, Stephens (McCone), Stevens (Wheatland), Strange, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 78.

Noes: None.

Absent and not voting: Annin, Balgord, Blankenbaker, Byrne, Cusker, Daugherty, Doe, Fitzstephens, Freed, Givens, Groene (Fergus), Love, McDermott, Metlen, Roll, Rolph, Setzer, Shannon, Snidow, Sparling, Stiefel, Sullivan, Watson (Meagher). Total 23.

The Speaker: Seventy-eight have voted "aye," none have voted "no"; Senate amendments to Substitute House Bill No. 18 have been concurred in by the House.

Senate Amendments to House Bill No. 26, having been read three several times, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Besancon, Bjorneby, Breitenstein, Campbell, Conner, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Fowler, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Holecek, Jensen, Knowles, Kruse, Kuhl, Lewis, Lott, McCarvel, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Pierson, Pilgeram, Porter, Quamme, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Shannon, Somerville, Spangler, Stephens (McCone), Stevens (Wheatland), Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 74.

Noes: Strange. Total 1.

Absent and not voting: Beadle, Blankenbaker, Byrne, Chapman, Cusker, Doran, Fitzstephens, Freed, Givens, Hilger, Larsen, Logan, Love, McDermott, McElwain, Metlen, Moss, Parker (Broadwater), Ragen, Rolph, Setzer, Snidow, Sparling, Stiefel, Sullivan, Trenne. Total 26.

The Speaker: Seventy-four have voted "aye"; one has voted "no"; Senate Amendments to House Bill No. 26 have been concurred in by the House.

Senate Amendments to House Bill No. 68, having been read three several times, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Besancon, Bjorneby, Breitenstein, Campbell, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fowler, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Harlen, Harrington, Jensen, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, McCarvel, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Shannon, Somerville, Spangler, Stephens (McCone), Stevens (Wheatland), Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 78.

Noes: Haight, Hilger, Holecek, O'Shea. Total 4.

Absent and not voting: Beadle, Blankenbaker, Byrne, Chapman, Doe, Fitzstephens, Freed, Larsen, Love, McDermott, McElwain, Metlen, Rolph, Setzer, Snidow, Sparling, Stiefel, White, Givens. Total 19.

The Speaker: Seventy-eight have voted "aye"; four have voted "no"; Senate Amendments to House Bill No. 68 have been concurred in by the House.

A call of the House was demanded by the required number.

On motion of Arnold, call of the House was dispensed with.

Senate Bill No. 22 having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Bjorneby, Breitenstein, Doran, Ecton, Ferry, Findlater, Fowler, Goodwin, Green (Dawson), Groene (Fergus), Haight, Harlen, Hilger, Knowles, Kruse, Kuhl, Larson, Lewis, Logan, Lott, McElwain, Marshall, Miller (Big Horn), Miller (Lincoln), Moss, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Pierson, Quamme, Ragen, Rognlien, Roll, Shannon, Stevens (Wheatland), Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), White, Wigal, Mr. Speaker. Total 52.

Noes: Ballard, Beadle, Bensancon, Campbell, Chapman, Conner, Daugherty, Doe, Duffy, Freudenstein, Grabow, Hagerty, Harrington, Holecek, Jensen, McCarvel, Manning, Mason, Miles, Mulholland, O'Connell, Parker (Broadwater), Pilgeram, Porter, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rolph, Schuster, Somerville, Spangler, Stephens (McCone), Sullivan, Whaley, Woodcock. Total 36.

Absent and not voting: Blankenbaker, Cusker, Fitzstephens, Freed, Givens, Love, McDermott, Metlen, Setzer, Snidow, Sparling, Stiefel, Byrne. Total 13.

The Speaker: Fifty-two have voted "aye"; thirty-six have voted "no"; Senate Bill No. 22 was concurred in by the House.

MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded, that the House reconsider its action on Senate Bill No. 22.

On substitute motion, it was moved by O'Connell that action on motion of gentleman from Fergus be indefinitely postponed. Motion was lost.

Whereupon motion of Haight was put and was lost.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

December 29, 1933.

The Speaker,
House of Representatives,
Helena.

Earlier in this Extraordinary Session there was introduced and passed a measure designed to legalize and validate certain elections that had theretofore been held in this state, in which it had been found that every technicality prescribed by the existing law had not been observed. This measure was House Bill No. 8, and received the approval of the Governor of the fourteenth day of December.

It now appears that there is serious doubt as to whether House Bill No. 8 came within the purview of the call for this session, and in order that all doubt may be removed I now present the subject to this Extraordinary Session with the recommendation that House Bill No. 8 be repealed and then re-enacted for the purpose of validating certain elections that would otherwise be nullified.

F. H. COONEY, Governor.

REPORTS OF STANDING COMMITTEES

December 29, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

House Bill No. 62.

ROLPH, Chairman.

Without objection, report adopted.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 9:30, Saturday, December 30th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

THIRTY-FOURTH DAY

House of Representatives,
Helena, Montana, December 30, 1933.

House convened, pursuant to adjournment, at 9:30 o'clock.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Blankenbaker, Givens, Setzer, Snidow, excused. Harrington, Sullivan, absent.

The Speaker announced he was about to sign Senate Joint Resolution No. 1, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Joint Memorial No. 3, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Joint Memorial No. 4, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Joint Memorial No. 5, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Bill No. 17, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF STANDING COMMITTEES

December 30, 1933.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

House Bill No. 52.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

December 30, 1933.

We hereby certify that we have this day received Enrolled House Bill No. 52, and same has been found to be correct.

I. D. ROGNLIEN.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

House Bill No. 75.

SOMERVILLE, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

It was moved by Besancon, duly seconded and carried, that messages from the Senate be considered read at length and the Journal so show.

December 29, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Enrolling this day reported the following bills correctly enrolled and duly verified:

S. B. No. 17.

S. J. R. No. 1.

S. J. M. Nos. 3, 4 and 5.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Fitzstephens, duly seconded and carried, that House reconsider its action on the report of the Committee of the Whole with relation to Senate Amendments to House Bill No. 19.

It was moved by Fitzstephens, duly seconded and carried, that Senate Amendments to House Bill No. 19 be placed on the head of the list on General Orders.

INTRODUCTION OF BILLS AND MEMORIALS AND
SECOND READING OF SAME

The following bill was introduced without notice by unanimous consent of the House, read first and second time and referred to Committee on Judiciary.

House Bill No. 76, introduced by Woodcock, Pilgeram and Lewis. A bill for an Act entitled: "An Act legalizing and validating all elections heretofore held in any city or town of this state, authorizing the creation or increase of the indebtedness of such city or town within or exceeding three per centum of the total assessed valuation of the taxable property of said city or town, as ascertained by the last assessment for state and county purposes, for any of the purposes set forth in subdivision 64, Section 5039, Revised Codes of Montana, 1921, as amended, and Sections 1 and 3 Chapter 160, Session Laws of Montana, 1931, which elections were held after notice published and posted, as provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at which the proposal to create or increase said indebtedness received a majority of all votes tendered and of all votes cast at such election, and to repeal Chapter 4, of the laws of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana."

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the Thirty-second and Thirty-third Legislative Days of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

December 30, 1933.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 76, entitled: "An Act legalizing and validating all elections heretofore held in any city or town of this state, authorizing the creation or increase of the indebtedness of such city or town within or exceeding three per centum of the total assessed valuation of the taxable property of said city or town, as ascertained by the last assessment for state and county purposes, for any of the purposes set forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as amended, and Sections 1 and 3, Chapter 160, Session Laws of Montana, 1931, which elections were held after notice published and posted, as provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at which the proposal to create or increase said indebtedness received a majority of all votes tendered and of all votes cast at such election, and to repeal Chapter 4 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana," respectfully report as follows: That House Bill No. 76 do pass.

GROENE, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Pilgeram, duly seconded and carried, that House Bill No. 76 be considered correctly printed and placed on General Orders.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

O'Connell in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: House Bill No. 73, Senate amendments to House Bill No. 19 and House Bill No. 76, beg leave to report as follows:

That House Bill No. 73 do pass.

That Senate amendments to House Bill No. 19 be concurred in.

That House Bill No. 76 do pass.

O'CONNELL, Chairman.

On motion of O'Connell, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Pilgeram, duly seconded and carried, that House Bill No. 76 be considered correctly engrossed and placed on Third Reading.

THIRD READING OF HOUSE BILLS

Without objection, bills on Third Reading were read by history and title only.

House Bill No. 62, introduced by Pilgeram and Rearden, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Harlen, Holecek, Jensen, Knowles, Kruse, Lewis, Logan,

Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Replogle, Roll, Rolph, Schuster, Shannon, Somerville, Spangler, Sparling, Stiefel, Ueland, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker, Stevens (McCone). Total 80.

Noes: Haight, Hilger, Stevens (Wheatland). Total 3.

Absent and not voting: Arnold, Blankenbaker, Givens, Harrington, Kuhl, Larsen, Metlen, Miles, Miller (Big Horn), Reardon (Deer Lodge), Rognlien, Setzer, Snidow, Strange, Sullivan, Trenne, Waite, White. Total 18.

Mr. Speaker: Eighty have voted "aye," three have voted "no"; House Bill No. 62 has passed the House.

House Bill No. 76, introduced by Woodcock, Pilgeram and Lewis, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McElwain, Manning, Marshall, Mason, Miles, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Replogle, Rognlien, Roll, Rolph, Schuster, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Ueland, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 86.

Noes: None.

Absent and not voting: Arnold, Blankenbaker, Givens, Harlen, Harrington, McDermott, Metlen, Miller (Big Horn), Quamme, Reardon (Deer Lodge), Setzer, Snidow, Sullivan, Trenne, Waite. Total 15.

Mr. Speaker: Eighty-six have voted "aye," none have voted "no"; House Bill No. 76 has passed the House.

REPORTS OF SELECT COMMITTEES

December 22, 1933.

Mr. Speaker: We, your Conference Committee, met with the Senate committee today and having had under consideration House amendments to Senate Bill No. 10, entitled: "An Act authorizing and empowering the State Engineer to negotiate compacts with other states regarding interstate waters," respectfully report as follows: That House amendments to Senate Bill No. 10 be recommended for concurrence in its original form without the House amendment.

JERGENSEN,
LAMP,
HOLT,

Senate Committee.

METLEN,
PARKER (Broadwater),
T. N. QUAMME,

House Committee.

The Conference Committee report on House amendments to Senate Bill No. 10 was adopted by the following vote:

Ayes: Abrahamson, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McElwain, Manning, Marshall, Mason, Miles, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Replogle, Rognlien, Roll, Rolph, Schuster, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Ueland, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 83.

Noes: None.

Absent and not voting: Acher, Arnold, Blankenbaker, Freed, Givens, Harlen, Harrington, Knowles, McDermott, Metlen, Miller (Big Horn), Reardon (Deer Lodge), Setzer, Snidow, Sullivan, Trenne, Waite, Woodcock. Total 18.

Mr. Speaker: Eighty-three have voted "aye," none have voted "no"; Conference Committee report on House amendments to Senate Bill No. 10 is adopted.

THIRD READING OF HOUSE BILLS

It was moved by Besancon, duly seconded and carried, that the rules requiring the reading of amendments in full be suspended.

Senate amendments to House Bill No. 19, having been read three several times, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McElwain, Manning, Marshall, Mason, Miles, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Rognlien, Roll, Rolph, Schuster, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Ueland, Watson (Meagher), Watson (Missoula), Whaley, White, Woodcock, Mr. Speaker. Total 84.

Noes: None.

Absent and not voting: Arnold, Blankenbaker, Doe, Fowler, Givens, Harlen, Harrington, McDermott, Metlen, Miller (Big Horn), Reardon (Deer Lodge), Replogle, Setzer, Snidow, Sullivan, Trenne, Waite. Total 17.

The following passed their vote: Wigal. Total 1.

Mr. Speaker: Eighty-four have voted "aye," none have voted "no"; Senate amendments to House Bill No. 19 were concurred in by the House.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bill was introduced without notice, by unanimous consent of the House, read first and second time and referred to Committee on Judiciary:

House Bill No. 77, introduced by Pierson: A bill for an Act entitled: "An Act to amend Section 4, of House Bill No. 3, enacted by the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, approved December 19, 1933."

Speaker Pro Tem in the Chair.

REPORTS OF STANDING COMMITTEES

December 30, 1933.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 77 entitled: "An Act to amend Section 4 of House Bill 3 enacted by the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, approved December 19, 1933."

Respectfully report as follows: That House Bill No. 77 do pass.

GROENE, Chairman.

On motion of Groene, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that House Bill No. 77 be considered correctly printed and placed on General Orders.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

O'Connell in the Chair. Committee arose.

House resumed. Speaker Pro Tem in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 77, beg leave to report as follows:

That House Bill No. 77 do pass.

O'CONNELL, Chairman.

On motion of O'Connell, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that House Bill No. 77 be considered correctly engrossed and placed on Third Reading.

THIRD READING OF HOUSE BILLS

Without objection bills on Third Reading were read by history and title only.

House Bill No. 77 introduced by Pierson, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Cusker, Daugherty, Doe, Duffy, Ecton, Findlater, Fowler, Freed, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, Manning, Marshall, Mason, Miller (Lincoln), Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Replogle, Rognlien,

Roll, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Ueland, Watson (Meagher), Watson (Missoula), Wigal, Woodcock. Total 72.

Noes: Haight. Total 1.

Absent and not voting: Arnold, Blankenbaker, Conner, Doran, Ferry, Fitzstephens, Freudenstein, Givens, Goodwin, Harlen, Harrington, McDermott, McElwain, Metlen, Miles, Miller (Big Horn), Moss, Mulholland, Reardon (Deer Lodge), Setzer, Shannon, Snidow, Sullivan, Trenne, Waite, Whaley, White, Mr. Speaker. Total 28.

Mr. Speaker: Seventy-two have voted "aye"; one has voted "no"; House Bill No. 77 has passed the House.

O'Connell in the Chair.

It was moved by Besancon, duly seconded, that the House adjourn until 1:00 o'clock Monday afternoon.

On substitute motion, it was moved by Haight, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed.

Speaker pro tem in the Chair.

REPORTS OF STANDING COMMITTEES

December 30, 1933.

Mr. Speaker: We, your Committee on Federal Relations having had under consideration Senate Joint Resolution No. 2, entitled:

"A Joint Resolution requesting Honorable Harold L. Ickes, Public Works Administrator, to allot funds for the construction of a highway leading from the town of Circle, in McCone county, Montana, to the Fort Peck Dam."

Respectfully report as follows: That Senate Joint Resolution No. 2 be concurred in.

CUSKER, Chairman.

On motion of Cusker, report adopted.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

O'Connell in the Chair. Committee arose.

House resumed.

Speaker pro tem in the Chair.

December 30, 1933.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 75, beg leave to report as follows:

That House Bill No. 75 do pass.

O'CONNELL, Chairman.

On motion of O'Connell, report adopted.

December 30, 1933.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bill correctly engrossed:

House Bill No. 73.

ROLPH, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that House Bill No. 75 be considered properly engrossed and placed on Third Reading.

THIRD READING OF HOUSE BILLS

Without objection bills on Third Reading were read by history and title only.

House Bill No. 73, introduced by Committee on Appropriations, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Arnold, Balgord, Besancon, Bjerneby, Chapman, Conner, Daugherty, Doe, Duffy, Ecton, Findlater, Fitzstephens, Freed, Freudenstein, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Jensen, Knowles, Kruse, Logan, Lott, Love, McCarvel, Manning, Marshall, Mason, Miles, Miller (Big Horn), Nass, Nelstead, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Quamme, Rearden (Cascade), Rognlien, Roll, Schuster, Somerville, Sparling, Stiefel, Strange, Ueland, Waite, Watson (Meagher), Watson (Missoula), White, Wigal, Woodcock. Total 56.

Noes: Anderson, Cusker, Hilger, Kuhl, O'Shea, Trenne. Total 6.

Absent and not voting: Annin, Ballard, Beadle, Blankenbaker, Breitenstein, Byrne, Campbell, Doran, Ferry, Fowler, Givens, Goodwin, Groene (Fergus), Harrington, Holecek, Larsen, Lewis, McDermott, McElwain, Metlen, Miller (Lincoln), Moss, Mulholland, Nutting, Porter, Ragen, Ralston, Reardon (Deer Lodge), Replogle, Rolph, Setzer, Shannon, Snidow, Spangler, Stephens (McCone), Stevens (Wheatland), Sullivan, Whaley, Mr. Speaker. Total 39.

Mr. Speaker: Fifty-six have voted "aye," six have voted "no"; House Bill No. 73 has passed the House.

House Bill No. 75, introduced by Committee on Appropriations, having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Arnold, Balgord, Besancon, Bjerneby, Byrne, Chapman, Cusker, Daugherty, Doe, Duffy, Ecton, Fitzstephens, Fowler, Freed, Freudenstein, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Hilger, Jensen, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, Love, McCarvel, Manning, Marshall, Mason, Miles, Miller (Big Horn), Nelstead, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Quamme, Rearden (Cascade), Rognlien, Roll, Rolph, Schuster, Somerville, Sparling, Stiefel, Strange, Trenne, Ueland, White, Watson (Meagher), Watson (Missoula), White, Wigal, Woodcock. Total 63.

Noes: None.

Absent and not voting: Annin, Ballard, Beadle, Blankenbaker, Breitenstein, Campbell, Conner, Doran, Ferry, Findlater, Givens, Goodwin, Groene (Fergus), Harrington, Holecek, Larsen, McDermott, McElwain,

Metlen, Miller (Lincoln), Moss, Mulholland, Nass, Nutting, Porter, Ragen, Ralston, Reardon (Deer Lodge), Replogle, Setzer, Shannon, Snidow, Spangler, Stephens (McCone), Stevens (Wheatland), Sullivan, Whaley, Mr. Speaker. Total 38.

Mr. Speaker: Sixty-three have voted "aye," none have voted "no"; House Bill No. 75 has passed the House.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 1:00 o'clock Monday, January 1, 1934.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

THIRTY-SIXTH DAY

House of Representatives,
Helena, Montana, January 1, 1934.

House convened, pursuant to adjournment, at 10:00 o'clock.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following: Blankenbaker, Ferry, Givens, Setzer, Snidow, excused.

REPORTS OF STANDING COMMITTEES

December 29, 1933.

Mr. Speaker: We, your Committee on Education, having had under consideration Senate Bill No. 21, entitled: A bill for an Act entitled: "An Act to permit school districts which are indebted to the limit as provided by the Constitution of the State of Montana to operate on a cash basis," respectfully report as follows: That Senate Bill No. 21 be concurred in.

FREED, Chairman.

On motion of Freed, report adopted.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND SENATE

December 30, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Labor and Capital: That H. B. No. 20 be amended in line 26, page 2, engrossed bill, the same being line 4, Section 5, printed bill, by striking out the period and inserting in lieu thereof a semicolon and by adding the following immediately thereafter:

"; (5) neighborhood stores outside of the recognized business district, operated and conducted by an individual or family employing no hired help or assistants and where neither such individual nor any adult member of his or her immediate family is otherwise gainfully employed."

And as so amended, recommend that H. B. No. 20 be concurred in, report adopted.

Committee on Finance and Claims: That H. B. No. 32 be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

December 30, 1933.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day gave notice that he was about to sign, and did sign:

S. B. No. 17.

S. J. R. No. 1.

S. J. M. Nos. 3, 4 and 5.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Grabow in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

January 1, 1934.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following:

Senate Joint Resolution No. 2 and Senate Bill No. 21 beg leave to report as follows:

That Senate Joint Resolution No. 2 be concurred in.

That Senate Bill No. 21 be passed for the day.

ED. GRABOW, Chairman.

On motion of Grabow, report adopted.

THIRD READING OF SENATE BILLS

Senate Joint Resolution No. 2 introduced by Kalberg, Carey and Ruffcorn, having been read three times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Byrne, Conner, Daugherty, Ecton, Findlater, Fowler, Freudenstein Grabow, Green (Dawson), Hagerty, Jensen, Knowles, Kruse, Lewis, Logan, Lott, Love, McCarvel, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Nass, Nelstead, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Rognlien, Roll, Rolph, Schuster, Snidow, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 64.

Noes: Freed, Groene (Fergus), Haight, Hilger, Kuhl. Total 5.

Absent and not voting: Blankenbaker, Breitenstein, Campbell, Chapman, Cusker, Doe, Doran, Duffy, Ferry, Fitzstephens, Givens, Goodwin, Harlen, Harrington, Holecek, Larsen, McDermott, McElwain, Manning, Miller (Lincoln), Moss, Mulholland, Nutting, Pierson, Ralston, Reardon (Deer Lodge), Replogle, Setzer, Shannon, Spangler, Sullivan, White. Total 32.

Mr. Speaker: Sixty-four have voted "aye"; five have voted "no"; Senate Joint Resolution No. 2 has been concurred in by the House.

It was moved by Besancon, duly seconded and carried that the House recess until 2 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

MOTIONS AND RESOLUTIONS

It was moved by Groene of Fergus, duly seconded, that the special investigating committee of seven be authorized to expend not exceeding \$150.00 for expenses in connection with subpoenaing witness before said committee.

On substitute motion, it was moved by O'Connell, duly seconded that consideration of motion of gentleman from Fergus be postponed until tomorrow morning. Motion was lost.

Whereupon motion by Groene carried.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Tuesday, January 2nd.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

THIRTY-SEVENTH DAY

House of Representatives,
Helena, Montana, January 2, 1934.

House convened, pursuant to adjournment, at 10:00 o'clock.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Blankenbaker, Givens, Setzer, Shannon, Snidow. Excused.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the thirty-fourth legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

January 1, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

Sub. H. B. No. 18, H. B. No. 68 and H. B. No. 26.

L. E. LARSEN, Chairman.

Without objection, report adopted.

January 1, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 68, and same has been found to be correct.

R. P. FINDLATER.

January 1, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 26, and same has been found to be correct.

H. HARLEN.

January 1, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 18, and same has been found to be correct.

THOMAS F. McCARVEL.

The Speaker announced he was about to sign House Bill No. 68, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 26, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Sub. H. B. No. 18, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF STANDING COMMITTEES

December 30, 1933.

Mr. Speaker: We, your Committee on Federal Relations having had under consideration Senate Bill No. 9, entitled:

"An Act to cede jurisdiction to the United States over the Fort Peck Dam, the body of water created by such dam, the land under such body of water and any lands now owned or which may be hereafter acquired by the United States and which shall touch such body of water, all being in the counties of Valley, Phillips, McCone, Garfield, Petroleum, and Fergus, Montana, and reserving certain rights to the State of Montana."

Respectfully report as follows: That Senate Bill No. 8 be referred to Committee on State Lands.

CUSKER, Chairman.

On motion of Cusker, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 1, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day recommended H. B. No. 20 for non-concurrence, report adopted, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 1, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Burr, duly seconded and carried, the Senate requests the House to appoint a committee of three members to accom-

pany the Senate Committee on State Boards and Office on its inspection trip to Great Falls in connection with proposed removal of State Institution for Deaf and Dumb to Great Falls.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 1, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion, duly seconded and carried, and on roll call further consideration of Substitute for Sub. H. B. No. 13 was this day indefinitely postponed, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 1, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Judiciary this day, having had under consideration H. B. No. 39, recommended same be concurred in as amended. On motion, duly seconded and carried, the report of the committee was not adopted, but H. B. No. 39 was recommended for concurrence, without amendment.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 1, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day, at the request of the House, appointed the following Conference Committees to act with like committees from the House:

For the consideration of Senate amendments to H. B. 1: Senators Coburn, Church and Cooper.

For the consideration of Senate amendments to H. B. 5: Senators Campbell, Duncan and Carroll.

For the consideration of Senate amendments to H. B. 6: Senators Simmons, Page and Carey.

For the consideration of Senate amendments to H. B. 31: Larsen, Garber and Ecton.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 1, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 20 be not concurred in.

That H. B. No. 32 be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 1, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on roll call, concurred in House amendment to S. B. No. 22.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, January 1, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Taxation: That Sub. H. B. No. 37 be amended by striking out of the title of the original bill the words, "other than attorneys at law"; be further amended by striking out all of Section 3, original bill, after the word "desired" in line 25, and inserting in lieu thereof the following:

"All of the license fees collected hereunder shall be deposited to the credit of the Emergency Relief Fund of the State of Montana."

And as amended, recommend same be concurred in, report adopted.

Committee on Taxation: That H. B. No. 47 be amended by striking out in line 18 in the original bill the words and figures, "Two Dollars and Fifty Cents (\$2.50)", and inserting in lieu thereof the words and figures, "Five Dollars (\$5.00)."

And as so amended, recommend H. B. No. 47 be concurred in, report adopted.

Committee on Federal Relations: That H. B. No. 69 be concurred in, report adopted.

Committee on Irrigation and Water Rights: That H. J. M. No. 5 be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the Speaker be authorized to appoint a committee to act with committee in the Senate on inspection trip to Great Falls in connection with proposed removal of State Institution for Deaf and Dumb to Great Falls.

It was moved by Besancon, duly seconded and carried, that the House recess until 2 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

The Speaker announced he was about to sign Senate Bill No. 10, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Bill No. 22, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Joint Resolution No. 2, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. Sub. H. B. No. 18, H. B. No. 26, H. B. No. 68 and H. B. No. 52.

Do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day at the hour of 10:55 o'clock, A. M., delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills and House Joint Memorial were this day read three several times and concurred in, history and title agreed to, and bills are herewith returned to the House:

H. B. No. 32, by Committee on Appropriations.

H. B. No. 69, by Cusker.

H. J. M. No. 5, by Nutting.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that H. B. No. 47, by Stephens of McCone, was this day read three several times and concurred in as amended, title and history agreed to, and bill is herewith transmitted to the House for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were recommended for non-concurrence by the Senate Committee on Judiciary, report adopted, and bills are herewith returned to the House.

H. B. No. 10, by O'Connell.

H. B. No. 35, by Fitzstephens.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion, the enacting clause of Sub. H. B. No. 37 was stricken, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Enrolling: That S. B. No. 10, S. B. No. 22 and S. J. R. No. 2 have been correctly enrolled and duly verified, report adopted.

Committee on Judiciary: That H. B. No. 35 be not concurred in, report adopted.

Committee on Judiciary: That H. B. No. 76 be concurred in. Report adopted.

Committee on Judiciary: That H. B. No. 10 be not concurred in. Report adopted.

Committee on Judiciary: That H. B. No. 38 be not concurred in, Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Burr, duly seconded and carried, the Senate reconsidered its action in adopting the adverse committee report of the Judiciary Committee on House Bill No. 38, and, on motion of Senator Burr, duly seconded and carried, H. B. No. 38 was placed on General File.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senator Page was this day, on request, excused from serving on the Joint Conference Committee for the consideration of Senate amendments to H. B. No. 6, and the President pro tem thereupon appointed Senator Kilduff to act with Senators Simmons and Carey as such committee.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 47 be amended in Section 4 by striking out all of said section and inserting in lieu thereof the words:

"Section 4. The expense of carrying out the provisions of this Act, including cost of stamps, printing and incidental expenses, shall be defrayed out of the funds collected hereunder and shall not exceed three hundred dollars per annum. All license taxes collected under the provisions of this Act, less expenses of administration, shall be deposited to the credit of the general fund of the state."

And as so amended, recommend that said H. B. No. 47 be concurred in.

That H. B. No. 69 be concurred in.
 That H. J. M. No. 5 be concurred in.
 That the Enacting Clause of Sub. for H. B. No. 37 be stricken.
 That consideration of H. B. No. 39 be passed.

Respectfully,

C. J. McALLISTER,
 Secretary of the Senate.

The Speaker designated McCarvel of Deer Lodge, Haight of Fergus and Moss of Flathead, to act with Senate Committee on inspection trip to Great Falls.

REPORTS OF STANDING COMMITTEES

January 2, 1934.

Mr. Speaker: We, your Committee on Employment, request that Frank Corr be employed as proof reader to replace Frank McKelvie, who resigned, account of accepting another position.

A. T. PORTER, Chairman.

On motion of Porter, report adopted.

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

H. B. No. 76, H. B. No. 77.

SOMERVILLE, Chairman.

Without objection, report adopted.

January 2, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills corrected enrolled.

House Bill No. 19.

L. E. LARSEN, Chairman.

Without objection, report adopted.

January 2, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 19, and same has been found to be correct.

FITZSTEPHENS.

The Speaker announced he was about to sign House Bill No. 19, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock, Wednesday, January 3rd.

D. A. DELLWO,
 Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

THIRTY-EIGHTH DAY

House of Representatives,
 Helena, Montana, January 3, 1934.

House convened, pursuant to adjournment, at 10:00 o'clock.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Blankenbaker, Campbell, Givens, Haight, Jensen, McCarvel, Miles, Moss, Roll, Setzer, Snidow, excused.

REPORTS OF STANDING COMMITTEES

January 2, 1934.

Mr. Speaker: We, your Committee on Judiciary having had under consideration Senate Bill No. 14 entitled:

"An Act to amend Section 2235 of the Revised Codes of Montana, 1921, as amended by Section 3 of Chapter 85, Laws of the Twentieth Legislative Assembly, as amended by Chapter 162, Laws of the Twenty-first Legislative Assembly, relating to the sale of unredeemed property by County Commissioners."

Respectfully report as follows: That Senate Bill No. 14 be placed on General Orders.

BERT REPLOGLE, Chairman.

On motion of Replogle, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 2, 1934.

The Speaker,
House of Representatives,
Helena.

I have the honor to advise you that I have this day approved the following measures:

H. B. No. 26—Relating to the application of destitute persons seeking relief.

H. B. No. 52—An Act establishing an Emergency Relief Fund.

H. B. No. 68—An Act to authorize the erection of a building or buildings for the Montana State Industrial School.

Sub. H. B. No. 18—An Act to authorize the construction of a building or buildings for the Montana State Tuberculosis Sanitarium.

F. H. COONEY, Governor.

January 3, 1934.

The Speaker,
House of Representatives,
Helena.

From many school districts and members of the Legislative Assembly have come requests that legislation be enacted at the present session permitting school districts to have made special levies to permit the redemption of outstanding warrants. The necessity for this legislation develops from a recent decision of our Supreme Court, to which reference was made in a recent message to you. Unless some remedial legislation is enacted a number of the schools must close their doors.

I therefore recommend that this Extraordinary Session enact a bill authorizing school districts, through the County Commissioners of the several counties, to make special levies to secure funds for the redemption of outstanding school district warrants.

F. H. COONEY, Governor.

It was moved by Besancon, duly seconded and carried, that messages from the Senate be considered read at length and the Journal so show.

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bill was this day introduced in the Senate, read first and second time, and referred to Committee on Finance and Claims:

H. B. No. 62, by Pilgeram and Reardon.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day signed in open session:

S. B. No. 10.

S. B. No. 22.

S. J. R. No. 2.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 39 be concurred in as amended.

That H. B. No. 38 be concurred in.

That H. B. No. 76 be concurred in.

That H. B. No. 73 be concurred in.

That H. B. No. 75 be concurred in.

That H. B. No. 71 be concurred in.

That H. B. No. 77 be concurred in.

That consideration of H. B. No. 34 be passed.

On motion of Senator Kane, duly seconded and carried, the Committee of the Whole report was amended by segregating H. B. No. 39 from the report, and the report of the Committee of the Whole was thereupon adopted as amended.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Kane, duly seconded and carried, House Bill No. 39 was placed on General File for tomorrow.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana, January 2, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Finance and Claims: That H. B. No. 71 be amended by striking out in Section 1 all of lines 16, 17, 18 and 19, original bill, and inserting in lieu thereof the following:

"For equipment, materials and supplies, Forty-nine Thousand One Hundred Forty-seven Dollars (\$49,147.00).

"For architect's fees, Seven Thousand Five Hundred Dollars (\$7,500)."

And as so amended, recommend H. B. No. 71 be concurred in, report adopted.

Committee on Taxation: That H. B. No. 72 be amended by adding at the end of line 7, printed bill, after the word "agents" the following: "Provided that this Act shall not apply to the sale of livestock, livestock products, grain, fruits or vegetables."

And as so amended, recommend H. B. No. 72 be concurred in. Report adopted.

Committee on Judiciary: That H. B. No. 77 be amended by striking out all of the title and inserting in lieu thereof the following:

"A bill for an Act entitled: "An Act to amend Chapter 7 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, relating to the authorization and erection of buildings for the Eastern Montana State Normal School; the borrowing of money to pay for the construction of said buildings; creating a fund out of which the principal of and interest upon the money so borrowed may be paid, and providing that the money so borrowed shall not be and never shall become a charge against the State of Montana, or a liability, debt or obligation of the State of Montana, which said Act was approved December 19, 1933."

And as so amended, recommend H. B. No. 77 be concurred in, report adopted.

Committee on Labor and Capital: That H. B. No. 34 be amended as per the attached, and as so amended, be concurred in, report adopted.

Committee on Finance and Claims: That H. B. No. 73 be concurred in, report adopted.

Committee on Finance and Claims: That H. B. No. 75 be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Senate Committee on Labor and Capital amendments to H. B. No. 34:

Amend by striking out the word "employed" in line 9, Section 1, engrossed bill, being line 1, Section 1, printed bill, and inserting in lieu thereof the word "operating."

Amend by striking out the comma after the word "persons" in line 11, Section 1, engrossed bill, and by striking out the comma after the word "livestock" in line 12, Section 1, engrossed bill, and by adding after the word "livestock", line 12, Section 1, engrossed bill, the words "or farm products."

Amend by striking out the words "be employed" in line 12, Section 1, engrossed bill, being line 3, Section 1, printed bill, and inserting in lieu thereof the words "operate such motor bus, or motor truck,"

Amend by striking out all of that portion of Section 1, beginning with the word "and" in line 13, Section 1, engrossed bill, being line 4, Section 1, printed bill, down to and including the word "hours" in line 15, Sec-

tion 1, engrossed bill, being line 5, Section 1, printed bill, and inserting after the word "busses" in line 15, Section 1, engrossed bill, being line 5, Section 1, printed bill, the words "or motor trucks."

Amend by striking out the word "twelve" in line 16, Section 1, engrossed bill, being line 6, Section 1, printed bill, and inserting in lieu thereof the word "ten", and by striking out the figure "2" in line 16, Section 1, engrossed bill, and inserting in lieu thereof the figure "0."

Amend by inserting after the word "when" and before the word "life" in line 20, Section 1, engrossed bill, being line 9, Section 1, printed bill, the word "human" and by inserting after the word "life" and before the word "is" in line 20, Section 1, engrossed bill, being line 9, Section 1, printed bill, the words, "or property."

Amend by striking out that portion of Section 1 beginning with the word "or" in line 20, engrossed bill, down to and including the word "destruction" in line 21, same being from the first word "or" to and including the word "destruction" in line 10, printed bill.

Amend by inserting a comma after the word "accident" in line 22, Section 1, engrossed bill, same being line 11, Section 1, printed bill, and by striking out the words "on unpassable" in line 22, Section 1, engrossed bill, line 11, Section 1, printed bill, and inserting in lieu thereof the words, "or impassable."

Amend by striking out all of lines 23 and 24, Section 1, engrossed bill, same being from the word "shall" in line 11 and ending with the word "attendants" in line 12, printed bill, and inserting in lieu thereof the words "when there would be a delay in the regular transmission of the United States mails."

Amend by inserting after the word "employed" in line 30, Section 2, engrossed bill, same being line 5, Section 2, printed bill, the words, "Any employer or supervisor operating a motor bus, or motor truck, or" and by changing the capital "A" in the word "any" in said line to a small "a".

Amend by inserting after the word "Act" in line 1, Section 2, page 2, engrossed bill, being line 6, Section 2, printed bill, the words "or who shall violate any of the provisions of this Act." and by striking out the word "declared" in line 1, Section 2, page 2, engrossed bill, being line 7, Section 2, printed bill.

Amend by striking out all of the last sentence to Section 3 of the engrossed bill, which sentence reads as follows: "This Act does not apply or affect the owner when driving his own truck."

Amend by striking out all of Section 5 and inserting in lieu thereof the following:

"Section 5. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety and shall take effect and be in full force and effect from and after its passage and approval."

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that Senate Bill No. 21 on General Orders be passed for the day.

It was moved by Breitenstein, duly seconded and carried, that Senate Amendments to House Bill No. 47 be temporarily passed until this afternoon.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Pilgeram in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole having had under consideration Senate Bill No. 14, beg leave to report as follows:

That Senate Bill No. 14 be passed for the day.

PILGERAM, Chairman.

On motion of Pilgeram, report adopted.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the 36th legislative and 37th legislative days of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

January 3, 1934.

Mr Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled:

H. B. No. 32, H. B. No. 69, H. J. M. No. 5.

L. E. LARSEN, Chairman.

Without objection, report adopted.

January 3, 1934.

We hereby certify that we have this day received enrolled House Bill No. 69, and same has been found to be correct.

L. E. LARSEN.

January 3, 1934.

We hereby certify that we have this day received enrolled House Joint Memorial No. 5, and same has been found to be correct.

L. A. NUTTING.

January 3, 1934.

We hereby certify that we have this day received enrolled House Bill No. 32, and same has been found to be correct.

ARNOLD.

The Speaker announced he was about to sign House Bill No. 69, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Joint Memorial No. 5, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 32, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bill was introduced by unanimous consent of the House, without previous notice, read first and second time and referred to Committee on Education.

House Bill No. 78, introduced by Stiefel: A bill for an Act entitled: "An Act authorizing boards of trustees of school districts to levy special taxes for the payment of all warrants outstanding and unpaid at the close of the school year ending June 30, 1934."

REPORTS OF STANDING COMMITTEES

January 3, 1934.

Mr. Speaker: We, your Committee on Education having had under consideration House Bill No. 78, entitled:

"A bill for an Act entitled: "An Act authorizing boards of trustees of school districts to levy special taxes for the payment of all warrants outstanding and unpaid at the close of the school year ending June 30, 1934."

Respectfully report as follows: That House Bill No. 78 do pass.

FREED, Chairman.

On motion of Freed, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that House Bill No. 78, be considered correctly printed and placed on General Orders.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Pilgeram in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Amendments to House Bill No. 47 and House Bill No. 78, beg leave to report as follows:

That Senate Amendments to House Bill No. 47 be concurred in.

That House Bill No. 78 be passed for the day.

PILGERAM, Chairman.

On motion of Pilgeram, report adopted.

THIRD READING OF HOUSE BILLS

Senate Amendments to House Bill No. 47 having been read three several times, were concurred in by the following vote:

Ayes: Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Chapman, Conner, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Freed, Goodwin, Grabow, Green (Dawson), Hagerty, Harlen, Hilger, Holecek, Kruse, Kuhl, Lewis,

Lott, Love, McDermott, McElwain, Manning, Mason, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nutting, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 70.

Noes: Larsen, O'Connell, O'Shea. Total 3.

Absent and not voting: Abrahamson, Ballard, Blankenbaker, Campbell, Cusker, Fowler, Freudenstein, Givens, Groene (Fergus), Haight, Harrington, Jensen, Knowles, Logan, McCarvel, Marshall, Metlen, Miles, Moss, Neistead, Ralston, Roll, Setzer, Shannon, Snidow, Stevens (Wheatland), Sullivan, Watson (Meagher). Total 28.

The Speaker: Seventy have voted "aye"; three have voted "no"; Senate Amendments to House Bill No. 47 has been concurred in by the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 19, 32 and 69 and H. J. M. No. 5, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 2:45 o'clock P. M. delivered to the Governor for his approval.

MULHOLLAND, Chairman.

Without objection, report adopted.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock A. M., Thursday, January 4th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

THIRTY-NINTH DAY

House of Representatives,
Helena, Montana, January 4, 1934.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Blankenbaker, Givens, Setzer, Snidow, excused.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

January 3, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read three several times and concurred in, title and history agreed to, and bills are herewith returned to the House:

H. B. No. 73, by Committee on Appropriations.
H. B. No. 75, by Committee on Appropriations.
H. B. No. 76, by Woodcock, Pilgeram and Lewis.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 3, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That consideration of H. B. No. 72 be passed.

That H. B. No. 38 be amended in the title by inserting after the word "delinquent" in the second line, the words: "ad valorum."

Amend in Section 1 by inserting after the word "delinquent" in line 1 and before the word "taxes" on line 2, the following words: "ad valorum."

And as so amended, recommend H. B. No. 38 be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 3, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President Pro Tem of the Senate this day gave notice that he was about to sign and did sign:

H. B. No. 19.
H. B. No. 69.
H. B. No. 32.
H. J. M. No. 5.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 3, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day reported and recommended as follows:

That H. B. No. 77 be amended in Section 1 by striking out in line 8, engrossed bill, after the word and figures, "Section 4", the following: "of House Bill No. 3, enacted by," and inserting in lieu thereof the words, "Chapter 7, of the laws of."

And as so amended, recommend said H. B. No. 77 be concurred in.

That H. B. No. 39 be amended as per the attached, and as so amended, be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Senate Committee of the Whole Amendments to H. B. No. 39:

Amend by inserting in the title thereof after the word "bonds" in the 11th line of the printed bill, the same being line 13 of the engrossed bill, the following words, "providing for a lien upon bond proceeds; providing for trust indentures; providing for the creation of certain funds in connection with this Act; providing for contracts with the United States;" and by inserting after the word "for" in line 14 of the title of the printed bill, the same being line 15 of the engrossed bill, the word "purchase," and by inserting after the word "condemnation" in line 14 of the title of the printed bill, the same being line 15 of the engrossed bill, the following words: "and otherwise acquiring lands and water rights and for the sale thereof."

Amend in Section 3 of the printed bill by striking out the period in line 50 and by inserting the following after the word "prescribed"; "and may receive and be paid such additional salary for such additional duties as may be fixed by the Board."

Amend in Section 3 by striking out in line 6, engrossed bill, the comma after the word "Governor," and inserting a period in lieu thereof. Also the words, "by, and with the advice and consent of the Senate; provided that two (2) of these members shall be residents of the Second Congressional District."

Amend in Section 3, line 31, engrossed bill, by striking out after the word "expenses," the words, "not exceeding Four Dollars (\$4.00) per day."

Amend in Section 14, printed bill by inserting after the word "Act" on line 15, the following words: "and subject to a compliance with the other provisions of this Act."

Amend in Section 17, printed bill, by striking out the period after the word "located" in line 9 thereof, and inserting a comma in lieu thereof, and the following words: "which right shall vest in such Board on the date of the filing of such declaration."

Amend in Section 17, printed bill, by striking out of lines 16 and 17 thereof, the words: "either by survey or," and inserting in lieu thereof the words: "by actual".

Amend in Section 17 by striking out the period at the end of the section and inserting in lieu thereof a comma, followed by the following words: "if others are not thereby injured."

Amend in Section 18, printed bill, by inserting in lien 1 after the word "Montana" the following words: "so acquired as hereinbefore provided."

January 3, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motions were this day made and adopted:

By Thien: That H. B. No. 38 be taken from Third Reading and referred to General File.

By Kemmis: That H. B. No. 34 be taken from General File of today and referred to General File for tomorrow.

By Kane: That H. B. No. 77 be taken from Third Reading and referred to General File.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 3, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Campbell, duly seconded and carried, H. B. No. 57 was this day taken from the Committee on Judiciary and re-referred to the Committee on Taxation.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 3, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read three several times and concurred in as amended, title and history agreed to, and bills are herewith returned to the House for concurrence in Senate amendments:

H. B. No. 38, by Stevens of Wheatland and Miles of Big Horn.

H. B. No. 39 by Committee on Irrigation and Water Rights, Nutting Chairman.

H. B. No. 71, by Committee on Appropriations.

H. B. No. 77, by Pierson.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded, that the House and two additional members to the Committee of Seven investigating State Officers, said members being Besancon of Missoula and Fowler of Yellowstone. Motion was lost.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 4, 1934.

The Speaker,
House of Representatives,
Helena.

I have the honor to advise you that I have this day approved the following measures:

H. B. No. 19—An Act to provide emergency relief by employment.

H. B. No. 32—Authorizing transfer of certain funds appropriated for the Veterans' Welfare Commission.

H. B. No. 69—Authorizing refunds to beer licensees on Indian reservations.

H. J. M. No. 5—Requesting an investigation of water control of the Yellowstone River in Yellowstone Park.

F. H. COONEY, Governor.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Metlen in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following:

Senate Bill No. 14, beg leave to report as follows:

That Senate Bill No. 14 be amended as follows: Amend the engrossed bill by adding at the end of line 28 of Section 1, on page 2, the following: "Provided further that at any time before such sale, the taxpayer whose property has been deeded to the county may purchase such property by payment to the county of the full amount of the taxes, penalties and interest for which such property was sold and such purchase and payment may be effected by an installment contract with annual payments, as provided in Subdivision 10 of Section 1 of Chapter 100, Montana Session Laws of 1931." and amend by adding at end of line 19, in Section 1, in the engrossed bill, the following: "The Board of County Commissioners shall in its discretion dispose of such bonds from time to time for the use and benefit of the county at not less than the market value thereof." and amended be concurred in, and committee begs leave to sit again.

METLEN, Chairman.

On motion of Metlen, report adopted.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

McCarvel in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: House Bill No. 78 and Senate Bill No. 21, beg leave to report as follows:

That House Bill No. 78 be amended as follows: Amend Section 1 by striking out in line 6 after the figures "1934" the word "may" and inserting in lieu thereof the word "must". And amend Section 1 by inserting the following after the word "warrants" in line 3 "and/or valid and subsisting claims, debts or obligations evidenced by warrants or otherwise" and by striking out the word "lawful" in line 2, and as amended do pass.

That Senate Bill No. 21 be concurred in.

McCARVEL, Chairman.

On motion of McCarvel, report adopted.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:30 o'clock.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

January 4, 1934.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed:

H. B. No. 78.

ROLPH, Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the 38th legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 4, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day recommended for non-concurrence by the Senate Committee of the Whole, report adopted and bills are herewith returned to the House:

H. B. No. 72, by Groene, by request.

H. B. No. 34, by McDermott.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

December 30, 1933.

Mr. Speaker: We, your Committee on State Boards and Officers having had under consideration Senate Bill No. 11 entitled.

“A bill for an Act entitled: “An Act to amend Section 1, of Chapter 40, Session Laws of 1933, Montana, relating to expenses of officers and employers of the State of Montana.”

Respectfully report as follows: That Senate Bill No. 11 be placed on General Orders, without recommendation.

PHIL C. GOODWIN, Chairman.

On motion of Goodwin, report adopted.

MOTIONS AND RESOLUTIONS

Arnold of Rosebud and Waite of Powder River were excused for the rest of the day.

It was moved by Besancon, duly seconded and carried, that Senate Bill No. 21 on Third Reading be passed for the day.

It was moved by Pierson, duly seconded and carried, that consideration of Senate Amendments to House Bill No. 71 be postponed for the day.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following bill was introduced, without previous notice, by unanimous consent of the House read first and second time and referred to Committee on Judiciary.

House Bill No. 79, introduced by Fitzstephens: A bill for an Act entitled: “An Act to amend Section 10, of Chapter 24, of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly, being ‘An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other po-

litical subdivisions, or any other governmental agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works'."

REPORTS OF STANDING COMMITTEES

January 4, 1934.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 79 entitled:

"An Act to amend Section 10 of Chapter 24 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly, being an Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other political subdivisions, or any other governmental agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works."

Respectfully report as follows: That House Bill No. 79 do pass.

REPLOGLE, Chairman.

On motion of Replogle, report adopted.

January 4, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

47, 73, 75 and 76.

L. E. LARSEN, Chairman.

Without objection, report adopted.

January 4, 1934.

We, hereby certify that we have this day received Enrolled House Bill No. 47, and same has been found to be correct.

GUY C. STEPHENS.

January 4, 1934.

We, hereby certify that we have this day received Enrolled House Bill No. 76, and same has been found to be correct.

PILGERAM,
LEWIS.

January 4, 1934.

We, hereby certify that we have this day received Enrolled House Bill No. 75, and same has been found to be correct.

ROGNLIEN.

January 4, 1934.

We, hereby certify that we have this day received Enrolled House Bill No. 73, and same has been found to be correct.

ROGNLIEN.

The Speaker announced he was about to sign House Bill No. 47 whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 76 whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 75 whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 73 whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that House Bill No. 79 be considered correctly printed and placed on General Orders.

THIRD READING OF SENATE BILLS

Senate Bill No. 14 introduced by Sparling, having been read three several times, was concurred in by the following vote:

Ayes: Acher, Anderson, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fowler, Freudenstein, Goodwin, Grabow, Hagerty, Harlen, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Love, McCarvel, McDermott, Manning, Mason, Miles, Miller (Lincoln), Moss, Mulholland, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Sullivan, Trenne, Ueland, Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 69.

Noes: Annin, Fitzstephens, Freed, Green (Dawson), Haight, Hilger, Holecek, Miller (Big Horn), Nass, Stephens (Wheatland), Strange. Total 11.

Absent and not voting: Abrahamson, Arnold, Givens, Harrington, Logan, Lott, McElwain, Marshall, Metlen, Nelstead, Pierson, Ralston, Roll, Setzer, Shannon, Snidow, Waite, Watson (Meagher), Blankenbaker, Groene (Fergus), Woodcock. Total 21.

The Speaker: Sixty-nine have voted "aye"; eleven have voted "no"; Senate Bill No. 14 has been concurred in by the House.

THIRD READING OF HOUSE BILLS

Without objection, unanimous consent of the House was given to reading of the bills by title and history only.

House Bill No. 78 introduced by Stiefel, having been read three several times, title and history agreed to was passed by the following vote:

Ayes: Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Cusker, Daugherty, Doran, Duffy, Ecton, Findlater, Fitzstephens, Fowler, Freudenstein, Grabow, Hagerty, Jensen, Kruse, Larsen, Lewis, Lott, Love, McCarvel, McDermott, Manning, Mason, Metlen, Miller (Lincoln), Moss, Mulholland, Nass, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Roll, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Sullivan, Ueland, Watson (Missoula), Whaley, Wigal, Mr. Speaker. Total 63.

Noes: Conner, Doe, Ferry, Freed, Goodwin, Green (Dawson), Haight, Harlen, Hilger, Holecek, Knowles, Kuhl, Miles, Miller (Big Horn), Ragen, Ralston, Replogle, Stevens (Wheatland), Strange, Trenne, White, Woodcock. Total 22.

Absent and not voting: Abrahamson, Arnold, Blankenbaker, Givens, Groene (Fergus), Harrington, Logan, McElwain, Marshall, Nelstead, O'Connell, Setzer, Shannon, Snidow, Waite, Watson (Meagher). Total 16.

Mr. Speaker: Sixty-three have voted "aye"; twenty-two have voted "no"; House Bill No. 78 was passed by the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

McCarvel in the Chair. Committee arose.

House resumed. Speaker Pro Tem in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following: Senate Amendments to House Bills Nos. 38, 77 and 39 and Senate Bill No. 11 and House Bill No. 79, beg leave to report as follows:

That Senate Amendments to House Bill No. 38 be concurred in.

That Senate Amendments to House Bill No. 77 be concurred in.

That Senate Amendments to House Bill No. 39 be concurred in.

That Senate Bill No. 11 be passed for the day.

That House Bill No. 79 do pass.

McCARVEL, Chairman.

On motion of McCarvel, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Fitzstephens, duly seconded and carried, that House Bill No. 79 be considered correctly engrossed and placed on Third Reading.

THIRD READING OF HOUSE BILLS

Without objection, unanimous consent of the House was given to reading of bills by history and title only.

House Bill No. 79 introduced by Fitzstephens, having been read three several times, history and title agreed to was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balford, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Roll, Schuster, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Eland, Watson (Meagher), Watson (Missoula), White, Wigal, Woodcock. Total 85.

Noes: None.

Absent and not voting: Arnold, Blankenbaker, Freed, Givens, Groene (Fergus), Knowles, Miller (Big Horn), Replogle, Rolph, Setzer, Shannon, Snidow, Spangler, Waite, Whaley, Mr. Speaker. Total 16.

Mr. Speaker: Eighty-five have voted "aye"; none have voted "no"; House Bill No. 79 has passed the House.

Senate Amendments to House Bill No. 38, having been read three several times were concurred in by the following vote:

Ayes: Abrahamson, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Freudenstein, Goodwin, Green (Dawson), Hagerty, Harlen, Harrington, Kruse, Larsen, Lewis, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Rolph, Schuster, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Sullivan, Trenne, Ueland, Watson (Missoula), Whaley, White, Wigal, Woodcock. Total 73.

Noes: Byrne, Doe, Grabow, Hilger, Jensen, Kuhl, Metlen. Total 7.

Absent and not voting: Acher, Arnold, Blankenbaker, Fowler, Freed, Givens, Groene (Fergus), Haight, Knowles, Logan, Nass, Replogle, Roll, Setzer, Shannon, Snidow, Spangler, Strange, Waite, Watson (Meagher), Mr. Speaker. Total 21.

Mr. Speaker: Seventy-three have voted "aye"; seven have voted "no"; Senate Amendments to House Bill No. 38 were concurred in by the House.

Senate Amendments to House Bill No. 77, having been read three several times, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Freudenstein, Goodwin, Green (Dawson), Hagerty, Harlen, Harrington, Hilger, Holecck, Jensen, Kruse, Kuhl, Larsen, Lewis, Lott, Love, McCarvel, McDermott, McElwain, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Schuster, Somerville, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Watson (Missoula), Whaley, White, Wigal, Woodcock. Total 77.

Noes: Haight. Total 1.

Absent and not voting: Arnold, Blankenbaker, Fitzstephens, Fowler, Freed, Givens, Grabow, Groene (Fergus), Knowles, Logan, Manning, Ragen, Replogle, Roll, Rolph, Setzer, Shannon, Snidow, Spangler, Stevens (Wheatland), Waite, Watson (Meagher), Mr. Speaker. Total 23.

The Speaker: Seventy-seven have voted "aye"; one has voted "no"; Senate Amendments to House Bill No. 77 were concurred in by the House.

Senate Amendments to House Bill No. 39, having been read three several times, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ferry, Findlater, Fowler, Freudenstein, Goodwin,

Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kuhl, Larsen, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Roll, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Strange, Sullivan, Trenne, Ueland, Watson (Missoula), Whaley, White, Wigal, Woodcock, Miller (Lincoln), Quamme. Total 78.

Noes: Annin, Balgord, Ecton, Kruse, Lewis, Lott, Moss. Total 7.

Absent and not voting: Arnold, Blankenbaker, Fitzstephens, Freed, Givens, Grabow, Knowles, Logan, Replogle, Setzer, Shannon, Snidow, Stiefel, Waite, Watson (Meagher), Mr. Speaker. Total 16.

Mr. Speaker: Seventy-eight have voted "aye"; seven have voted "no"; Senate Amendments to House Bill No. 39 were concurred in by the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 47, 73, 75 and 76 do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 4:05 o'clock P. M. delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Nutting, duly seconded that the House reconsider its action on Senate Amendments to House Bill No. 39. Motion was lost.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND THE SENATE

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

January 4, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day recommended for non-concurrence by the Senate Committee on Judiciary, reports adopted, and bills are herewith returned to the House:

H. B. No. 43, by Revenue and Taxation Committee.

H. B. No. 55, by Watson of Meagher and Ralston.

Sub. H. B. No. 64, by Grabow.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 4, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 72 be not concurred in.

That H. B. No. 34 be not concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 4, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committee this day reported as follows:

Committee on Judiciary: That Sub. H. B. No. 30 be amended in Section 14, engrossed bill, by striking out all of line 18 and inserting in lieu thereof the following: "each retailer in towns having a population less than five hundred (500) one hundred dollars (\$100.00); each retailer in cities and towns having a population of five hundred (500) and not more than one thousand (1,000) one hundred and fifty dollars (\$150.00); each retailer in cities or towns having a population of one thousand (1,000) or more, two hundred dollars (\$200.00)."

Further amend by striking out all of Section 16 after the word "follows" in line 29, engrossed bill, and inserting the following in lieu thereof: "one-half ($\frac{1}{2}$) thereof shall be transferred to the General Fund of the State of Montana and the remaining one-half ($\frac{1}{2}$) shall be distributed to the Emergency Relief Fund to be administered by the State Emergency Relief Commission of the State of Montana."

And as so amended, recommend Sub. H. B. No. 30 be concurred in, report adopted.

Committee on Judiciary: That H. B. No. 40 be amended in the title by striking out in line 6, engrossed bill, the words "allocation and," and by striking out in line 7, engrossed bill, all of the words after the word "law" and by striking out all of line 8 of said engrossed bill and inserting in lieu thereof the following: "to the Emergency Relief Fund of the State of Montana."

Amend further by striking out in Section 1 engrossed bill, all of lines 19, 20 and the words "each county" in line 21, and by inserting in lieu thereof the following: "distributed to the Emergency Fund of the State of Montana to be administered by the Emergency Relief Commission of Montana."

And as so amended, recommend same be concurred in, report adopted.

Committee on Judiciary: That H. B. No. 43 be not concurred in, report adopted.

Committee on Judiciary: That H. B. No. 55 be not concurred in, report adopted.

Committee on Judiciary: That Sub. H. B. No. 64 be not concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 4, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read three several

times and concurred in as amended, history and title agreed to, and bills are herewith returned to the House for concurrence in Senate amendments:

Sub. H. B. No. 30, by Revenue and Taxation Committee.

H. B. No. 40 by Moss.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 4, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That consideration of Sub. for H. B. No. 30 be passed.

That H. B. No. 40 be amended in Section 1 by striking out in lines 25 and 26 of the engrossed bill: "net profits derived from any such county in the administration of the law." And inserting in lieu thereof the words: "population of each of the several counties."

Further amend in Section 1 by inserting after the word "act" in line 2, the following: "after all stores are established in accordance with the provisions of this Act."

And as so amended, recommend H. B. No. 40 be concurred in.

That Sub. H. B. No. 30 be amended by adding after Section 10 in line 6, of page 5, printed bill, the following: "Section 11. That Section 31 of Chapter 106 of the Session Laws of 1933, be and the same is hereby amended to read as follows:

"Section 31. It shall be unlawful for such retailer to purchase or acquire beer from any one except a brewer or wholesaler licensed under the provisions of this Act, or for any person, firm or corporation to sell or dispose of beer to any person under the age of twenty-one (21) years, or to any person who shall appear to be in an intoxicated or disorderly condition, or to allow or permit any intoxicated or disorderly person to come into or remain in or about his premises. It is further provided that no person under the age of twenty-one (21) years, shall dispense or serve beer to patrons."

Further amend by renumbering following sections to correspond.

Further amend in the title by adding in line 4 of the title, printed bill, after the figure "30", the following figure and comma "31,".

And as so amended, recommend Sub. H. B. No. 30 be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:30 A. M., Friday, January 5th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FORTIETH DAY

House of Representatives,
Helena, Montana, January 5, 1934.

House convened, pursuant to adjournment, at 10:30 o'clock A. M.
Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present except the following:
Blankenbaker, Givens, Reardon (Deer Lodge), Snidow. excused.

COMMUNICATIONS AND PETITIONS

The following communication was read:

City of Great Falls, Montana,
January 3, 1934.

Honorable D. A. Dellwo,
Speaker of the House of Representatives,
Helena, Montana.

Dear Sir:

Under direction from the Council of the City of Great Falls, Montana, I am enclosing to you herewith Resolution No. 2867 pertaining to the establishment of a school for the blind, deaf and dumb in the City of Great Falls, Montana, which was unanimously passed by the Council at its regular meeting held on January 2nd, 1934.

Yours very truly,

W. H. HARRISON,
City Clerk.

RESOLUTION NO. 2867

A resolution urging the Legislative Assembly of the State of Montana to establish a school for the blind, deaf and dumb in the City of Great Falls, Montana.

WHEREAS, there is now pending before a Special Session of the Legislative Assembly of the State of Montana, a bill for the erection and maintenance of a school for the blind, deaf and dumb; and

WHEREAS, the State Senate has given consideration, and is giving consideration, to the establishment of said school at or near the City of Great Falls, Montana; and

WHEREAS, the City of Great Falls is centrally located in the State of Montana, is a suitable place for the establishment of said institution, and is deemed by the Council of the City of Great Falls, Montana, as a proper and logical place for said school; and

WHEREAS, Cascade County, Montana, is the only second class county in the State of Montana, and has no state institution of any kind or character;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Great Falls, Montana:

That the Legislative Assembly of the State of Montana, in Special Session assembled in the City of Helena, be, and it is hereby respectfully urged to establish and maintain a school for the blind, deaf and dumb at or near the City of Great Falls, Montana, said city being a proper, suitable and logical place for the establishment of such a school.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the City Clerk to the Speaker of the House of Representatives, President of the Senate, and Senator and Representatives from Cascade county in the Legislative Assembly.

PASSED by the Council of the City of Great Falls, Montana, by unanimous vote of said Council this 2nd day of January, 1934, and APPROVED by the Mayor of said city this 2nd day of January, 1934.

M. C. GRINDE, Mayor.

ATTEST:

W. H. HARRISON, City Clerk.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 5, 1934.

The Speaker,
House of Representatives,
Helena, Montana.

I have the honor to advise you that I have this day approved the following measures:

H. B. No. 47—Providing for a license tax upon the business of selling cigarettes; etc.

H. B. No. 73—Appropriation for maintenance of the Horticultural division of the Department of Agriculture.

H. B. No. 75—Appropriation for office of State Engineer.

H. B. No. 76—Validating certain elections heretofore held in this state.

F. H. COONEY, Governor.

MOTIONS AND RESOLUTIONS

It was moved by Groene, duly seconded and carried, that the Special Investigating Committee of Seven be given additional time to Monday, January 8th, 1934, at 4 o'clock P. M., within which to finally report to this House.

THIRD READING OF SENATE BILLS

Without objection, bills on third reading were read by history and title only.

Senate Bill No. 21, having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doran, Ecton, Findlater, Fitzstephens, Fowler, Freudenstein, Grabow, Hagerty, Haight, Harrington, Jensen, Kruse, Larsen, Lewis, Lott, Love, McCarvel, McDermott, McElwain, Manning, Mason, Metlen, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Rearden (Cascade), Replogle, Rognlien, Roll, Rolph, Schuster, Setzer, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Sullivan, Trenne, Ueland, Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 70.

Noes: Balgord, Doe, Freed, Goodwin, Green (Dawson), Hilger, Holceek, Knowles, Kuhl, Marshall, Miles, Miller (Big Horn), O'Connell, Ragen, Ralston, Stevens (Wheatland), Strange, White. Total 18.

Absent and not voting: Blankenbaker, Cusker, Duffy, Ferry, Givens, Groene (Fergus), Harlen, Logan, Reardon (Deer Lodge), Shannon, Snidow, Waite. Total 12.

The following passed their vote: Watson (Meagher). Total 1.

The Speaker: Seventy have voted "aye"; eighteen have voted "no"; Senate Bill No. 21 was concurred in by the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Daugherty in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the following:

Senate Bill No. 11 and Senate Amendments to House Bills Nos. 71 and 40, beg leave to report as follows:

That Senate Bill No. 11 be concurred in.

D. E. DAUGHERTY, Chairman.

On motion of Daugherty, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by O'Connell, duly seconded and carried, that Senate Bill No. 11 be placed on Third Reading.

THIRD READING OF SENATE BILLS

Without objection, bills were read by history and title only.

A call of the House was demanded by the required number. On motion of Besancon, call of the House was dispensed with.

Senate Bill No. 11 introduced by Walker, having been read three several times, history and title agreed to was concurred in by the following vote:

Ayes: Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Cusker, Daugherty, Doe, Doran, Duffy, Findlater, Fitzstephens, Fowler, Freudenstein, Grabow, Hagerty, Harrington, Jensen, Larsen, Love, McCarvel, McDermott, Manning, Mason, Metlen, Miles, Miller (Lincoln), Mulholland, Nass, Nutting, O'Connell, Parker (Broadwater), Pierson, Pilgeram, Porter, Ralston, Reardon (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Sullivan, Whaley, White, Woodcock. Total 54.

Noes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Conner, Ecton, Freed, Goodwin, Green (Dawson), Groene (Fergus), Haight, Hilger, Kruse, Kuhl, Lewis, Logan, Lott, McElwain, Marshall, Miller (Big Horn), Moss, Nelstead, O'Shea, Parker (Flathead), Quamme, Ragen, Roll, Setzer, Shannon, Stevens (Wheatland), Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Wigal, Mr. Speaker. Total 40.

Absent and not voting: Blankenbaker, Ferry, Givens, Harlen, Holesek, Knowles, Snidow. Total 7.

The Speaker: Fifty-four have voted "aye"; forty have voted "no"; Senate Bill No. 11 was concurred in by the House.

It was moved by O'Connell, duly seconded, that the House reconsider action on Senate Bill No. 11. Motion was lost.

It was moved by Besancon, duly seconded and carried, that the House recess until 2.30 o'clock P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the 39th legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 5, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Burr, duly seconded and carried, the Senate this day requests the House to return Sub. H. B. No. 64 to the Senate for further consideration.

On motion of Carroll, duly seconded and carried, the Senate this day requests the House to return H. B. No. 34 to the Senate for further consideration.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the request of the Senate to return House Bills No. 34 and No. 64 be granted.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Daugherty in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Amendments to House Bills No. 71 and 40 beg leave to report as follows:

That Senate Amendments to House Bill No. 71 be not concurred in, and that a conference committee be appointed and a like committee requested from the Senate.

That Senate Amendments to House Bill No. 40 be concurred in.

DAUGHERTY, Chairman.

On motion of Daugherty, report adopted.

REPORTS OF STANDING COMMITTEES

December 30, 1933.

Mr. Speaker: We, your Committee on State Lands having had under consideration Senate Bill No. 6 entitled:

"An Act authorizing and regulating the sale of state lands to the United States of America in connection with the construction of the Fort Peck Dam and in connection with other projects undertaken by the United States; and also authorizing and regulating the sale of state lands for projects under the administration of the State Water Conservation Board."

Respectfully report as follows: That Senate Bill No. 6 be amended as follows:

Amend by striking out all of title and inserting in lieu thereof the following:

"An Act providing for the sale of lands owned or to be owned by the State of Montana and needed by the United States in the construction of projects for flood control, river regulation, conservation of water, irrigation and reclamation works, reserving to the State of Montana mineral rights in such lands; providing the method of determining the value thereof and the prices to be paid the State of Montana by the United States therefor; making this procedure for the sale of state lands applicable to the sale of state lands for projects financed by the United States under the administration of the State Water Conservation Board; granting easements to the United States for rights of way over lands owned by the State of Montana for ditches, canals, tunnels, telephone and telegraph lines constructed or to be constructed in furtherance of the reclamation of arid lands, and amending Section 56, of Chapter 60, Laws of the Twentieth Legislative Assembly of the State of Montana, and repealing all other Acts and parts of Acts in conflict herewith."

Strike out all of Section 1, and insert in lieu thereof the following:

"Section 1, Section 56, of Chapter 60, Laws of the Twentieth Legislative Assembly, shall be amended to read as follows: Any land now or hereafter owned by the State of Montana and needed by the United States in the construction of projects for the control of floods, river regulation, conservation of water, irrigation and reclamation works, shall, upon application to the State Board of Land Commissioners, be sold and conveyed to the United States at the price per acre fixed thereon by the Board of Appraisers appointed by the United States to appraise and value lands to be included within such projects and needed by the United States in the construction thereof; subject, however, to the approval of the State Land Board and the price limitations of the Enabling Act and the State Constitution.

There is hereby granted to the United States over all the lands now owned or hereafter acquired by the State of Montana, an easement for right of way for ditches, canals, tunnels, telephone and telegraph lines now constructed or to be constructed by the United States government in furtherance of the reclamation of arid lands.

All conveyances of state lands shall contain a reservation of such rights of way easements. It is further provided that whenever said lands herein granted as rights of way shall cease to be used for such purpose, the same shall revert to the State of Montana, upon notice to that effect being given to the proper authorities."

Strike out all of Section 3, and insert as Section 3, the following:

"Section 3. Lands needed by the United States for any of the aforesaid purposes may be appraised or reappraised without appraising the remaining state lands in the county in which they are located. The lands shall be appraised at their full market value."

Strike out all of Section 4, and insert the following:

"Section 4. The provisions of this Act governing the sale of state lands to the United States shall also apply to the sale of state lands for projects financed by the United States under the administration of the State Water Conservation Board, except as to appraisal by the United States."

Strike out all of Section 5, and insert the following:

"Section 5. All other Acts and parts of Acts in conflict herewith are hereby repealed."

"Section 6. This Act shall be in full force and effect from and after its passage and approval."

And as so amended that the same be concurred in.

METLEN, Chairman.

On motion of Waite, report adopted.

THIRD READING OF HOUSE BILLS

Without objection bills on Third Reading were read by history and title only.

Senate Amendments to House Bill No. 40, having been read three several times, were concurred in by the following vote:

Ayes: Acher, Annin, Arnold, Balgord, Ballard, Beadle, Bjerneby, Byrne, Campbell, Chapman, Conner, Cusker, Doran, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Garbow, Green (Dawson), Hagerty, Harlen, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Love, McCarvel, McDermott, McElwain, Manning, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Schuster, Setzer, Somerville, Spangler, Sparling, Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), White, Wigal, Mr. Speaker. Total 70.

Noes: Daugherty, Doe, Duffy, Haight, Harrington, Nass, O'Connell, Pierson, Replogle, Rolph, Stephens (McCone), Sullivan, Whaley. Total 13.

Absent and not voting: Abrahamson, Anderson, Besancon, Blankenbaker, Breitenstein, Givens, Groene (Fergus), Hilger, Knowles, Logan, Lott, Marshall, Rognlien, Roll, Shannon, Snidow, Reardon (Deer Lodge). Total 17.

The following passed their vote: Woodcock. Total 1.

The Speaker: Seventy have voted "aye"; thirteen have voted "no"; Senate Amendments to House Bill No. 40 were concurred in by the House.

It was moved by Moss, duly seconded and carried, that the House now recess until 11:00 o'clock A. M. Saturday, January 6th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FORTY-FIRST DAY

House of Representatives,
Helena, Montana, January 6, 1934.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.
Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call all members present, except the following:
Blankenbaker, Givens and Snidow, excused.

REPORTS OF SELECT COMMITTEES CONFERENCE COMMITTEE REPORT

Mr. President and Mr. Speaker: We, your Conference Committee, having had under consideration Senate Amendments to House Bill No. 31, respectfully report as follows:

That we have been unable to reach an agreement and request that we be discharged and that a new Conference Committee be appointed.

Respectfully submitted,

LARSON,
EATON,
GARBER.

Senate Conferees.

ARNOLD,
WAITE,
SCHUSTER.

House Conferees.

It was moved by Arnold that report be adopted.

On substitute motion, it was moved by O'Connell, duly seconded, that the Conference Committee be discharged and the House concur in the Senate Amendments to House Bill No. 31.

Senate Amendments to House Bill No. 31 having been read three several times were concurred in by the following vote:

Ayes: Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Duffy, Ecton, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, Love, McCarvel, McDermott, Manning, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Rognlien, Roll, Rolph, Schuster, Setzer, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Strange, Ueland, Waite, Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 77.

Noes: Arnold, Ferry, Goodwin, Larsen, McElwain, Porter, Rearden (Deer Lodge), Trenne, Watson (Meagher). Total 9.

Absent and not voting: Abrahamson, Blankenbaker, Cusker, Doran, Givens, Groene (Fergus), Marshall, Metlen, Nelstead, Replogle, Shannon, Snidow, Stiefel, Sullivan, White. Total 15.

The Speaker: Seventy-seven have voted "aye"; nine have voted "no"; Senate Amendments to House Bill No. 31 were concurred in by the House.

CONFERENCE COMMITTEE REPORT

Mr. President and Mr. Speaker: We, your Conference Committee, having had under consideration Senate Amendments to House Substitute for House Bill No. 5, respectfully report as follows:

That the Senate Amendment to line 3, Section 3 of the printed bill, be amended by striking out the quotation marks and period after the word "court" at the end of such amendment, and by inserting the words, "and paid prior to," and by striking out in line 4, Section 3 of the bill the word "on", and that all of such Senate Amendment as thus amended be adopted.

That the House concede all of the Senate Amendments to Section 4 of the bill.

Respectfully submitted,

CAMPBELL,
CARROLL,
DUNCAN.

Senate Conferees.

BESANCON,
ROGNLIEN,
LOTT.

House Conferees.

STATEMENT

Of House Conferees to be submitted to the House only and to accompany the Conference Committee report on House Substitute for House Bill No. 5.

The effect of the above amendment to the Senate amendment will be that the retroactive features of Section 3 of the bill will apply to all estates on which the inheritance tax has not been determined by the court and is not paid before this Act takes effect.

The effect of the Senate amendment to Section 4 is that the thirty per cent of the proceeds there provided for the year 1934 only will go to the Emergency Relief Fund of the Montana Relief Commission instead of to the Poor Fund of the counties as provided in the substitute bill.

Respectfully submitted,

BESANCON,
ROGNLIEN,
LOTT.

House Conferees.

It was moved by Besancon, duly seconded, that report be adopted.

On roll call the report was adopted by the following vote:

Ayes: Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Chapman, Conner, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Lott, Love, McCarvel, McDermott, McElwain, Manning, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker, (Flathead), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Setzer, Somerville, Spangler, Stephens (McCone), Stevens (Wheatland), Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker, Parker (Broadwater). Total 81.

Noes: Haight. Total 1.

Absent and not voting: Abrahamson, Ballard, Blankenbaker, Byrne, Campbell, Cusker, Givens, Groene (Fergus), Logan, Marshall, Metlen, Nelstead, Rolph, Shannon, Snidow, Sparling, Stiefel, Sullivan, White. Total 19.

The Speaker: Eighty-one have voted "aye"; one has voted "no"; the conference report has been adopted by the House.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND THE SENATE

It was moved by Besancon, duly seconded and carried, that the Senate messages be considered read at length and the Journal so show.

Helena, Montana,
January 5, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the motion to reconsider the vote of the Senate on Sub. H. B. No. 64, by Grabow, this day failed, and bill is herewith returned to the House.

Respectfully,
C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
January 5, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Senator Burr was this day made and adopted:

"Mr. President: I move that a committee of three be appointed by you to investigate the investment of student funds at the University at Missoula and any other matters that they deem necessary. I ask that this committee be given the authority to subpoena witnesses and visit the university in question to enable them to make a comprehensive report to the Senate."

The President pro tem thereupon appointed the following Senators to act as such committee: Senators Thien, Burr and Eaton.

Respectfully,
C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
January 5, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Joint Memorial was this day introduced without previous notice by unanimous consent of the Senate, read first and second time and referred to Committee on Federal Relations:

S. J. M. No. 6, by Willis and Walker: A Joint Memorial addressed to the President and the Congress of the United States requesting the allocation of money appropriated by the Congress of the United States for the Civil Works Service Commission, Art Division—acting under the Public Works Division of the N. R. A., of the United States Government, with which to build a suitable memorial in the city of Great Falls, Montana, in commemoration of the artistic works of Charles M. Russell, of Montana, the noted cowboy artist.

Respectfully,
C. J. McALLISTER,
Secretary of the Senate.

January 5, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Carroll, duly seconded and carried, the Senate this day reconsidered its action of yesterday wherein H. B. No. 34 was not concurred in, and the bill was, on motion, referred to the Senate Committee on Labor and Capital.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 5, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Federal Relations: That S. J. M. No. 6 do pass, report adopted.

Committee on Taxation: That H. B. No. 51 be amended as per the attached, and as so amended, be concurred in, report adopted.

Committee on Taxation: That H. B. No. 57 be amended as per the attached, and as so amended, be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Senate Committee on Taxation Amendments to H. B. No. 51:

Amend on Page 1, Section 1, in line 18, original bill, after the word "of", by striking out the word "January," and inserting in lieu thereof the word "March."

Amend on Page 1, Section 1, in line 21, original bill, by striking out the words and figures, "Three Dollars (\$3.00)", and inserting in lieu thereof the words and figures, "Two Dollars (\$2.00)."

Amend on Page 1, Section 1, in line 31, original bill, by striking out the words and figures, "Three Dollars (\$3.00)", and inserting in lieu thereof the words and figures, "Four Dollars (\$4.00)".

Amend on Page 2, Section 2, in line 5, original bill, by striking out all of the paragraph captioned "Section 4", being lines 5 to 24 inclusive of the original bill, and inserting in lieu thereof the following:

"Section 4. Five per centum (5%) of the license fees paid to the State Treasurer under this Act are hereby appropriated and shall be set aside by him for the purpose of defraying the cost of administering this Act by the State Board of Equalization, and the remaining ninety-five per centum (95%) thereof shall be by him credited to the Emergency Relief Fund until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation said ninety-five per centum (95%) of such license fees shall be by such State Treasurer credited to the general fund of the state."

Amend by adding a new section to be designated as Section 3, to read as follows:

"Section 3. No tax which has attached, accrued, or become due or payable under the provisions of Chapter 174, Session Laws 1933, shall be released or waived by the passage or approval of this Act but the same shall be paid as provided in said Chapter before its amendment by this Act."

Amend by renumbering Section 3 so that it will appear as Section 4.
Senate Committee on Taxation Amendments to H. B. No. 57:

Amend by striking out of line 5, page 1, original bill, in the title, the words "telephone or."

By striking out of Section 1, line 10, the words "and telephone," and the words "and conversations."

By striking out of Section 1, line 11, the words "or telephone."

By striking out of lines 13 and 14 of Section 1 the words "by any telephone company."

By striking out all of Section 1 beginning with the word "Every" in line 15 and ending with the word "phone" in line 22, and inserting in lieu thereof the following:

"Such annual license tax shall be paid in quarterly installments for the quarters ending respectively March 31, June 30 and September 30 and December 31, in each year."

By striking out in Section 2 all of line 23, 24, 25 and 26, (being the first four lines), and inserting in lieu thereof the following:

"Section 2. Each and every person, association or corporation engaged in carrying on such business in this state shall, within thirty (30) days after the end of each quarter, beginning with the quarter ending March 31st, 1934, make out in duplicate and file with the."

By striking out in Section 2, line 30, the words "or telephone."

By striking out in Section 2, line 1, page 2, the words, "or telephone."

By striking out in Section 2, line 5, page 2, the words, "calendar month," and inserting in lieu thereof the words "preceding quarter."

By striking out in Section 6, line 29, the words "telephone or."

By striking out in Section 9, page 4, line 29, after the word "following", the words and figures "Forty per cent (40%)" and inserting in lieu thereof the words and figures "Eighty per cent (80%)," and in line 30, Section 9, after the word "Fund," by striking out the words and figures "Forty per cent (40%) to the Unemployment Relief Fund;"

By striking out on page 5, all of Section 10 and renumbering Sections 11 and 12 so that they will appear as Sections 10 and 11.

January 5, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Taxation: That H. B. No. 60 be amended as per the attached, and as amended, be concurred in, report adopted.

Committee on Judiciary: That H. B. No. 79 be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Senate Committee on Taxation Amendments to H. B. No. 60:

Amend Sub-section (2) of Section 1 by striking out all of the Sub-section (2) and inserting in lieu thereof the following:

"The word 'contractor' means and includes any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, requiring the use of paint, stone,

brick, mortar, wood, cement, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, electric wiring, or other material, or any other building material; or who shall accept or offer to accept contracts to do any grading, paving, curbing or other work on sidewalks, streets, alleys, or highways, public or private property, using asphalt, brick, stone, cement, concrete, wood, or any composition; or who shall accept or offer to accept an order for or contract to excavate earth, rock, or other material for foundations or any other purpose; or who shall accept or offer to accept an order or contract to construct any sewer of stone, brick, terra cotta, or other material."

Amend Section 2 by striking out all that portion of Section 2 after the word "state" in line 27 of the original bill and inserting in lieu thereof the following:

"An annual minimum license fee of Five Dollars (\$5.00), provided, however, that this license fee need not be paid by any contractor who does not in any one year enter into contracts, the total gross receipts for which shall not exceed five thousand dollars (\$5,000); and provided also, that no contractor shall bid on a contract to be let at public bidding unless he has paid the Five Dollar (\$5.00) license fee.

"And provided further, that when the gross receipts of contractors in any one year in payment of contracts increases to the amounts hereinafter set forth, the license fee shall be increased as follows:

"When the gross amounts received on all orders or contracts is more than five thousand dollars and less than ten thousand dollars, the license fee shall be ten dollars;

"When the gross receipts exceed ten thousand dollars and not more than twenty thousand dollars, the license fee shall be fifteen dollars;

"When the gross receipts exceed twenty thousand dollars and do not exceed fifty thousand dollars, the total license fee shall be twenty dollars;

"When the gross receipts exceed fifty thousand dollars and do not exceed one hundred thousand dollars, the total license fee shall be fifty dollars;

"When the gross receipts exceed one hundred thousand dollars and do not exceed one hundred fifty thousand dollars the total license fee shall be one hundred dollars;

"When the gross receipts exceed one hundred fifty thousand dollars and do not exceed three hundred thousand dollars, the total license fee shall be one hundred fifty dollars;

"When the gross receipts exceeds three hundred thousand dollars the total license fee shall be two hundred and fifty dollars."

Amend Section 3 by striking out the whole of said section and inserting in lieu thereof;

"Each contractor shall render such statements to the State Board of Equalization duly signed and sworn to, of all contracts entered into and all payments made to such contractor, done or contracted for within the State of Montana, and containing such other information, as the State Board of Equalization may require. Reports shall be rendered every three months to the State Board of Equalization and at such other times as the State Board may require. The original Five Dollar (\$5.00) license fee shall be paid on or before January first of each year. The additional license fee shall be payable at such times and as shall be required by the rules of the State Board of Equalization. The year for which a license shall be required shall extend from January first of each year to January first of the next succeeding year."

Amend Section 10 by striking out the whole thereof and inserting in lieu thereof:

"Section 10. Any and all expenses incurred by the State Board of Equalization in the administration of this Act shall be paid out of the funds accruing from the fees imposed by and collected under the provisions of this Act. All moneys collected under the provisions of this Act, less the expenses incurred in the administration of this Act, shall be deposited by said Board with the State Treasurer who shall credit them to the Emergency Relief Fund, until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation said fifty per centum (50%) of such license fee shall be by the State Treasurer credited to the General Fund of the state, twenty-five per centum (25%) to the Common School Equalization Fund and Twenty-five per centum (25%) to the Common School Interest and Income Fund."

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Somerville in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Amendments to House Bill No. 30, beg leave to report as follows:

That Senate Amendments to House Bill No. 30 be not concurred in and that a conference committee be appointed and one requested from the Senate.

SOMERVILLE, Chairman.

On motion of Somerville, report adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Printing, beg leave to report the following bills correctly printed:

H. B. No. 78, No. 79.

SOMERVILLE, Chairman.

Without objection, report adopted.

January 5, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

House Bills Nos. 38 and 77.

L. E. LARSEN, Chairman.

Without objection, report adopted.

January 5, 1934.

We hereby certify that we have this day received enrolled House Bill No. 38, and same has been found to be correct.

I. THAYER STEVENS,
MILLER of Big Horn.

January 5, 1934.

We hereby certify that we have this day received copy of enrolled House Bill No. 77, and same has been found to be correct.

PIERSON.

The Speaker announced he was about to sign House Bill No. 38, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 77, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

January 6, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

No. 40.

L. E. LARSEN, Chairman.

Without objection, report adopted.

January 6, 1934.

We hereby certify that we have this day received enrolled House Bill No. 40, and same has been found to be correct.

MOSS.

The Speaker announced he was about to sign House Bill No. 40, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF SELECT COMMITTEES

January 6, 1934.

Mr. Speaker: We, your committee appointed to inspect sites relative to the removal of the school for the blind, deaf and dumb from Boulder to Great Falls.

Respectfully report as follows:

That your committee inspected sites offered by city officials, Chamber of Commerce and others in Great Falls. And because of the fact that H. B. 42, authorizing the expenditure of \$175,000.00 at Boulder, is now in the Senate for action by that body, we feel that no action is necessary until same is acted upon.

This is to be considered a preliminary report.

McCARVEL,
HAIGHT,
MOSS.

On motion of McCarvel report adopted.

The Speaker designated Spangler, Doe, and McElwain to act as conference committee with committee from Senate on House Bill No. 30.

The Speaker designated Pierson, Roll and Arnold to act as conference committee with committee from Senate on House Bill No. 71.

It was moved by Besancon, duly seconded and carried, that the House recess until 4:00 o'clock P. M.

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 38 and 77, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 2:45 o'clock P. M., delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 6, 1934.

The Speaker,
House of Representatives,
Helena.

I have the honor to advise you that I have this day approved the following measures:

H. B. No. 38—Reducing the penalty on ad valorem taxes from and after March 1, 1934.

H. B. No. 77—Relating to authorization and erection of buildings for the Eastern Montana State Normal School.

F. H. COONEY, Governor.

MOTIONS AND RESOLUTIONS

It was moved by the House, duly seconded and carried, that the House present to the proper authorities, a formal request that proper ventilation for committee rooms be included in the present building improvement plans.

It was moved by Fowler, duly seconded, that the House reconsider action taken yesterday on Senate amendment to House Bill No. 40, by which it was passed on Third Reading.

The Chair expressed an inclination to rule that a motion to reconsider the action of the House on a bill was not in order after the bill has been signed by the Speaker and cited several authorities and suggested that in as much as the question raised was a new one it should be referred to the Committee on Rules, Joint Rules and Order of Business.

It was moved by Fowler, duly seconded and carried, that the question be referred to the Committee on Rules, Joint Rules and Order of Business.

It was moved by Fowler, duly seconded and carried, that the Chief Clerk of the House be instructed to retain possession of House Bill No. 40 until question on point of order has been decided.

It was moved by Besancon, duly seconded and carried by unanimous consent of the House, that the Committee on Rules, Joint Rules and Order of Business be given until Monday, January 8th, at 1:00 o'clock P. M., to report on question on point of order.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 1:00 o'clock P. M. Monday, January 8th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FORTY-THIRD DAY

House of Representatives,
Helena, Montana, January 8, 1934.

House convened, pursuant to adjournment, at 1:00 o'clock P. M.
Mr. Speaker in the Chair.
Invocation by Reverend Hagen.

On roll call all members were present except the following:
Blankenbaker, Givens, Snidow, excused.

The Speaker announced he was about to sign Senate Bill No. 21, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Bill No. 11, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Bill No. 14, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

January 6, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Kane, duly seconded and carried, House Bill No. 34, by McDermott, was this day recalled from the Senate Committee on Labor and Capital, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that, on motion, further action on H. B. No. 41, by Nass and O'Connell, was this day indefinitely postponed, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that H. B. No. 79, by Fitzstephens, was this day read three several times and concurred in, history and title agreed to, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that S. J. M. No. 6, by Willis and Walker, were this day read three several times and passed, history and title agreed to, and same is herewith transmitted to the House for concurrence.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read three several times and concurred in as amended, history and title agreed to, and bills are herewith returned to the House for concurrence in Senate amendments:

H. B. No. 51, by O'Connell.

H. B. No. 57, by Pilgeram.

H. B. No. 60, by Beadle.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion by Senator Kemmis was this day made and adopted:

"I move that the Senate request the Secretary of State to immediately furnish to the Senate a list of public officers appointed by the Governor of Montana since March 2nd, 1933, which appointments are required to be confirmed by the Senate, and which have not yet been submitted to the Senate."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Campbell, duly seconded and carried, the consideration of the report from the Secretary of the State on the Governor's appointments, was postponed until Monday, January 8th, at 2:00 P. M.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day in open session gave notice that he was about to sign and did sign:

Senate Bill No. 21.

Senate Bill No. 14.

Senate Bill No. 11.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Taxation: That H. B. No. 41 be reported without recommendations. On motion, further action indefinitely postponed.

Committee on Education: That Sub. H. B. No. 67 be amended as per the attached, and as so amended, be concurred in, report adopted.

Committee on Education: That H. B. No. 78 be amended as per the attached, and as so amended, be concurred in, report adopted.

Committee on Enrolled Bills: That Senate Bills Nos. 21, 14 and 11 have been correctly enrolled and duly verified, report adopted.

Committee on Printing: That S. J. M. No. 6 has been returned from the printer correctly printed, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day, at the request of the House, appointed the following Senators to act as Joint Conference Committees with like committees from the House:

For consideration of Senate amendments to H. B. No. 30: Senators Thien, Larson and Burr.

For consideration of Senate amendments to H. B. No. 71: Senators Staggs, Plank and Reed.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Federal Relations this day, having had under consideration Senate Joint Memorial No. 7, recommend that same do pass, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommended as follows:

That H. B. No. 51 be concurred in.

Report adopted on roll call.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate Joint Memorial was this day introduced without previous notice by unanimous consent of the Senate, read first and second time and referred to Committee on Federal Relations:

S. J. M. No. 7, by Duncan and Church: A memorial memorializing the Congress of the United States for a grant of lands for public buildings at the Capitol of the State, in addition to grants heretofore made for that purpose.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 6, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 57 be amended as per the attached, and as so amended, be concurred in.

That H. B. No. 60 be amended as per the attached, and as so amended, be concurred in.

That H. B. No. 79 be concurred in.

That S. J. M. No. 6 do pass.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Senate Committee of the Whole Amendments to H. B. No. 57:

Amend in Section 1 by inserting in line 3, printed bill, after the word "from," the following: "Business within this state including."

Amend in Section 2 by inserting in line 6, printed bill, after the word "from", the following: "business within this state including."

Senate Committee of the Whole Amendments to H. B. No. 60:

Amend by striking out in lines 1 and 2 of Section 2, printed bill, the words, "a license tax", and by striking out that portion of the committee amendment to said section, reading as follows: "An annual minimum license fee of \$5.00, provided, however, that this license fee need not be paid by any contractor who does not in any one year enter into contracts, the total gross receipts for which shall exceed \$5000.00; and

provided also, that no contractor shall bid on a contract to be let at public bidding unless he has paid the license fee." and insert in lieu thereof:

"An annual minimum license fee of one dollar (\$1.00) plus an additional amount based upon gross receipts as follows:"

Further amend Section 2 by adding at the end of said section the following: "No bid on any contract to be let at public bidding shall be considered unless the number of the receipt issued to the bidder for payment of the minimum annual license fee appears upon such bid."

Amend in the committee amendment to Section 3 by striking out the words and figures, "Five Dollars (\$5.00)", and inserting in lieu thereof the words and figures, "One Dollar (\$1.00)," and by striking out the words "January first of each year," and inserting in lieu thereof the following: "March 1, 1934, for the year 1934, and on January first of each year thereafter."

Amend in the committee amendment to Section 10 by inserting after the word "fund" in line 3 of said amendment the words, "less the expenses incurred in the administration of this Act."

January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That Sub. for H. B. No. 67 be passed.

That H. B. No. 78 be concurred in.

That consideration of H. B. No. 42 be passed.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Groene, duly seconded, that the Special Investigating Committee of Seven be given to and including Wednesday the 10th day of January, 1934, within which to submit its report.

On substitute motion, it was moved by O'Connell, duly seconded, that the House discharge the Special Investigating Committee of Seven. Motion was lost.

Whereupon motion by Groene carried.

It was moved by Besancon, duly seconded and carried, that the Rules Committee be given until 3 o'clock to report on motion submitted Saturday.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following Joint Memorial was introduced, read first and second time and referred to Committee on Federal Relations.

Senate Joint Memorial No. 6 introduced by Willis and Walker:

A Joint Memorial addressed to the President and Congress of the United States requesting the allocation of money appropriated by the Congress of the United States for the Civil Works Service Commission

Art Division of the N. R. A. of the United States Government with which to build a suitable memorial in the city of Great Falls, Montana, in commemoration of the artistic works of Charles M. Russell, of Montana, the noted cowboy artist."

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Larson, duly seconded and carried, the Senate this day requests the return of H. B. No. 31 from the House for further consideration.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded that the request of the Senate relating to House Bill No. 31 be granted. Motion was lost.

It was moved by O'Connell, duly seconded, that the House now reconsider its action on the motion of the gentleman of Missoula with relation to the request of the Senate on House Bill No. 31. Motion was lost.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

O'Shea in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole having had under consideration Senate Bill No. 6, beg leave to report as follows:

That Senate Bill No. 6 be amended as follows: Amend Section 1 by striking out in line 12 of the mimeographed bill the words "State Land Board" and inserting in lieu thereof the words "State Board of Land Commissioners" and that same be concurred in as amended.

JIM O'SHEA, Chairman.

On motion of O'Shea, report adopted.

It was moved by Besancon, duly seconded and carried, that the House recess until 3:00 o'clock, P. M.

House resumed.

Mr. Speaker in the Chair.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Kane, duly seconded and carried, the Senate requests the House for the return of H. B. No. 65 for further consideration.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 65, by Beadle and O'Connell, was this day recommended for non-concurrence by the Senate Committee on Federal Relations, report adopted, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on State Boards and Offices: That H. B. No. 42 be reported out without recommendation. On motion of Senators Jergenson, duly seconded and carried, same was referred to General File.

Committee on Federal Relations: That H. B. No. 65 be not concurred in, report adopted.

Committee on Irrigation and Water Rights: That H. B. No. 44 be amended by striking out from the engrossed bill all the words in lines 12 and 13 beginning with the word "and" and ending with the word "state."

By striking all of lines 14, 15 and 16, engrossed bill, and adding after the word "of" in line 13, the following: "the conservation of water and maintenance of stream flow within the State of Montana, and such State Planning Board shall act and function without any expense to the State of Montana."

And as so amended, recommend H. B. No. 44 be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the request of the Senate with relation to House Bill No. 65 be granted.

REPORTS OF SELECT COMMITTEES

Mr. Speaker: We, your Conference Committee, appointed to consider Senate Amendments to House Bill No. 1 entitled: "A bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana, for 1921, as amended by Section 1 of Chapter 103, of the Montana Session Laws of 1933, and to repeal Section 30 Chapter 158 Session Laws of 1931, relating to registration and registration fees of motor vehicles and dealers thereof and distribution of the revenues received therefrom," beg leave to report as follows: We agree to all Senate Amendments save and accept Senate Amendments as follows:

"Amend by striking out all words and figures in lines 16, 17 and 18 on the first page, printed bill and inserting in lieu thereof the following: "Motor Vehicles weighing 2750 pounds or under, other than motor trucks, \$5.00; motor vehicles weighing over 2750 pounds and under 3300 pounds, other than motor trucks, \$7.50; motor vehicles weighing over 3300 pounds other than motor trucks, \$10.00," from which the Senate recedes and

agrees that the said amendment be stricken, and that lines 16, 17 and 18 of Section 1 of said printed House Bill No. 1 be stricken, and that in lieu thereof, the following be inserted; "Motor vehicles, weighing 2850 pounds or under, other than motor trucks, \$5.00; motor vehicles weighing over 2850 pounds, other than motor trucks, \$10.00."

We further agree to strike out all of the Senate Amendment which is as follows: "Amend by striking out in Section 1 all of Section (C), beginning with line 60, page 2, and ending with line 67, page 3, and inserting in lieu thereof the following:

"C. The net fees derived from the registration of motor vehicles in any county not having a city of the population of 35,000 or more, which, at the end of each month, be transferred to the road fund of said county and shall be used by said county for the construction, repair and maintenance of all public highways within the boundaries of said county, except state highways, and such fees in any county having a city of a population of 35,000 or more, less so much thereof as may be apportioned to such city and held in the city road fund as aforesaid, shall, at the end of each month, be transferred, to the road fund of each county and used by said county for the construction, repair and maintenance of all public highways within the boundaries of said county. In all counties, said funds may be used for the construction, repair and maintenance of city streets forming component parts of arterial highways within the corporate limits of said city," from which the Senate recedes, and agree that said amendment be stricken, and that in lieu thereof, amend Sub-section (C) of House Bill No. 1 between the lines of 28 and 29 of the original bill after the word "highways" insert the words "except state and federal highways" and as so amended we recommend that this conference committee report be adopted.

COBURN, Chairman.
CHURCH,
COOPER,
BESANCON,
UELAND,
HAIGHT.

STATEMENT

Of House Conferees to be submitted to the House only and to accompany Conference Committee report on House Bill No. 1.

The effect of the attached Conference Committee report on license fees for motor vehicles is clearly stated in the report; that is, motor vehicles weighing 2850 lbs., or under, other than motor trucks, \$5.00, and those weighing over 2850 lbs. other than motor trucks, \$10.00. The change made by the Senate amendment as to all motor trucks remains the same as such Senate amendment.

The entire Senate amendment to subdivision (C) of the printed bill is stricken out and subdivision (C) of the printed bill restored with the exception that state and Federal highways shall not in any event share in any part of the auto license moneys for their repair and improvement even when state and Federal highways may be considered arterial highways. The situation of cities having a population of 35,000 or more will remain the same as in printed bill.

It was moved by Besancon, duly seconded, that the report of the Conference Committee of the Senate amendments to House Bill No. 1 be adopted and the same was adopted by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitz-

stephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Hilger, Holecek, Knowles, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schutser, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 92.

Noes: Harrington. Total 1.

Absent and not voting: Blankenbaker, Campbell, Givens, Jensen, Kruse, Setzer, Snidow, Stiefel. Total 8.

The Speaker: Ninety-two have voted "aye"; one has voted "no"; report of the conference committee of the Senate amendments to House Bill No. 1 has been adopted by the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, the majority of your Committee on Rules, Joint Rules and Order of Business, having had under consideration the motion of Fowler of Yellowstone, that the House reconsider its action on H. B. No. 40, respectfully report as follows:

"When a motion has been made and carried or lost, it shall be in order for any member who voted on the prevailing side, on the same or subsequent day to move for the reconsideration thereof."

Section 36 of Roberts Rules carries in substance the same phraseology.

The Rules of the House of Congress is identically the same, Section 794, Rule 28, Jefferson's Manual.

From the language of those rules, the motion to reconsider can be applied only to the House action on a "motion." There can be no doubt that in order to reconsider its action on any matter it is necessary for the Legislative Body to retrace the steps already taken. The motion to reconsider must therefore be applied to the last action taken by the House on the matter proposed to be reconsidered.

Reed's Rules lay down that principle quite definitely—Sec. 204.

"A motion to reconsider is not in order after action has been taken by the Assembly in consequence of the decision purported to be reconsidered."

The motion before us was attempted to be applied to the action of the House on the passage of H. B. 40, namely: The action of the House on third reading of the bill and the subsequent roll call. Following this action the bill was referred to the Committee on Enrollment automatically; it was reported therefrom and the report was adopted; whereupon the Speaker, after notice, signed the same.

It is our opinion therefore that the motion to reconsider which is now before us was not attempted to be applied to the last action of the House on the matter to be reconsidered and therefore was not in order.

We recommend further that the only procedure available to bring H. B. 40 before the House for reconsideration is through the vacation of the Speaker's signature and subsequent reconsideration of the House in

adopting the report of the Committee on Enrollment. The only occasions, in the knowledge of the committee, upon which the signature of the Speaker has been authorized to be vacated have been based upon the discovery of error in the bill as passed. Unless error can be shown in this bill, the committee recommends that a motion to vacate the signature of the signature of the Speaker is not in order.

Signed:

MOSS,
NELSTEAD,
D. A. DELLWO, Speaker.

January 8, 1934.

Mr. Speaker: We, a minority of your Committee on Rules, Joint Rules and Order of Business, having had under consideration motion by Fowler to reconsider the action of the House on passing on third reading House Bill No. 40, such motion having been made within the time to make the same but after the Speaker had signed the enrolled bill.

Respectfully report that such motion to reconsider was proper and should be submitted to the House for its consideration.

Respectfully submitted,

BESANCON,
HAIGHT.

It was moved by Moss, duly seconded, that the House adopt report of majority.

On substitute motion, it was moved by Besancon, duly seconded that the report of the minority be adopted.

A roll call was demanded by the required number and the minority report of the Committee on Rules, Joint Rules and Order of Business was adopted by the following vote:

Ayes: Anderson, Balgord, Ballard, Beadle, Besancon, Bjerneby, Byrne, Chapman, Conner, Daugherty, Duffy, Fowler, Freed, Freudenstein, Green (Dawson), Hagerty, Haight, Harrington, Holecek, Kruse, Kuhl, Lewis, Lott, Love, Manning, Marshall, Mason, Miles, Miller (Big Horn), Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Pierson, Pilgeram, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Sparling, Stephens (McCone), Strange, Sullivan, Ueland, Whaley, White, Wigal. Total 53.

Noes: Abrahamson, Acher, Annin, Arnold, Breitenstein, Cusker, Doe, Doran, Ecton, Ferry, Findlater, Fitzstephens, Goodwin, Grabow, Groene (Fergus), Harlen, Hilger, Knowles, Larsen, Logan, McCarvel, McDermott, McElwain, Metlen, Miller (Lincoln), Moss, Nelstead, Parker (Broadwater), Porter, Quamme, Roll, Somerville, Spangler, Stevens (Wheatland), Stiefel, Trenne, Waite, Watson (Meagher), Watson (Missoula), Woodcock, Mr. Speaker, Shannon. Total 42.

Absent and not voting: Blankenbaker, Campbell, Givens, Jensen, Setzer, Snidow. Total 6.

The Speaker: Fifty-three have voted "aye"; forty-two have voted "no"; the minority report of the Committee on Rules, Joint Rules and Order of Business has been adopted by the House.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded, that the Speaker's signature to enrolled House Bill No. 40 be vacated.

On substitute motion, it was moved by Nelstead, duly seconded, that the motion of the gentleman from Missoula be referred to Committee on Rules, Joint Rules and Order of Business.

Motion was lost, whereupon motion by Besancon carried.

It was moved by Fowler, duly seconded and carried, that the House reconsider its action on Senate Amendments to House Bill No. 40.

It was moved by Besancon, duly seconded and carried, that Senate amendments to House Bill No. 40 be placed on General Orders.

REPORTS OF SELECT COMMITTEES. COMMITTEE REPORT

January 8, 1934.

Mr. Speaker: We, your Special Committee appointed to investigate the financial affairs of the Greater University of Montana and the State Board of Education, beg to report as follows:

1. We find the state law provides that all moneys of all institutions and parts thereof, should be deposited with the State Treasurer. We find that there is at this time and has been for many years passed, a violation of this provision of the law.

2. Our investigation of the records of the University in the State Accountant's Office would indicate that there are many practices in the way of handling funds which are not beneficial to the institutions or the student bodies thereof.

3. We find that, with regards to the funds relative to the Huntley Project and Fort Keogh, which fund is sort of a cooperative fund between the state and the Federal Government, report of the expenditure of this combined fund is not reported to the State Accountant, only in the amount that is appropriated by the legislature. As indicated by the State Accountants records during the past several years approximately Two Hundred Thousand Dollars of Federal funds have been spent and not accounted for to the State Accountant.

4. It appears to us that money is being diverted from the funds for which it was requested and for which it was appropriated and it has been and is being used for other purposes.

5. We feel that the Board of Education must know of these and other malpractices. If they do not, we feel they are derelict in their duty. Authorizing these practices we feel is betraying a public trust.

6. We find that the time available to any committee, during the Session of the Legislature, is wholly inadequate in which to properly go into these matters.

7. A report of this kind, unless based upon a thorough investigation, which would require time and expense, would neither be accurate nor practical, and wholly unfair to the state, as a whole, and the institutions being investigated in particular.

8. Our investigation has gone far enough to convince us that a thorough investigation is not only advisable but absolutely necessary.

Respectfully submitted,

HAIGHT,
GREEN (of Dawson),
RALSTON (Glacier),
SHANNON,
WATSON (of Meagher).

On motion of Haight, report adopted.

RESOLUTION

January 8, 1934.

Mr. Speaker: We, your committee appointed to investigate the financial affairs of the Greater University of Montana and the Board of Education, recommend that the Appropriation Committee be, and the same is hereby instructed to draw and present a bill appropriating Three Thousand Dollars out of the general fund of the state for the purpose of defraying per diem and expenses of a Special Committee of three to be appointed by the Speaker to further investigate the financial affairs of the University and the Board of Education, and report back to the next regular Session of the Legislature. Any unspent residue of the appropriation will revert to the general fund of the state. This committee shall have full power to administer oaths, subpoena witnesses and take testimony.

Respectfully submitted,

HAIGHT,
WATSON (of Meagher),
RALSTON,
GREEN (of Dawson),
SHANNON.

It was moved by Haight, duly seconded, that resolution be adopted.

On substitute motion, it was moved by Besancon, duly seconded, that the report of the Special Committee be referred to Committee on Appropriations.

As a substitute motion to all motions pending, it was moved by Shannon, duly seconded and carried, that action on the report be postponed for the day.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that consideration of General Orders be passed for the day.

REPORTS OF STANDING COMMITTEES

January 7, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

House Bills Nos. 31, 39 and 79.

L. E. LARSEN, Chairman.

Without objection, report adopted.

January 7, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 39, and same has been found to be correct and returned.

L. A. NUTTING,
By GEO. W. PIERSON.

January 8, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 79, and same has been found to be correct.

J. D. FITZSTEPHENS.

January 7, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 31, and same has been found to be correct.

ARNOLD.

The Speaker announced he was about to sign House Bill No. 39, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 31, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 79, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day recommended for non-concurrence by the Senate Committee on Judiciary, report adopted, and bills are herewith returned to the House:

Sub. H. B. No. 14, by Committee on Townships and Counties.

Sub. H. B. No. 66, by Committee on Revenue and Taxation.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Joint Conference Committee on Senate amendments to Sub. H. B. No. 5 was this day, on roll call, adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 11 o'clock A. M., Tuesday, January 9th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FORTY-FOURTH DAY

House of Representatives,
Helena, Montana, January 9, 1934.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members were present except the following:
Blankenbaker, Givens, Setzer, Snidow, excused.

Mr. Speaker: We your Committee on Journal have examined the Journal of the House for the 40th, 41st and 43rd legislative days of the Extratordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that S. B. No. 22 was this day returned to the Senate with the veto of the Governor.

Thereupon a motion was made that S. B. No. 22 become a law notwithstanding the veto of the Governor, which motion was lost.

Thereupon the Senate, on motion, reconsidered its action and adopted the foregoing motion.

I herewith transmit with this communication S. B. No. 22 for your consideration and concurrence.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

The following is message sent to Senate by Governor:

STATE OF MONTANA OFFICE OF THE GOVERNOR HELENA

January 8, 1934.

"The President of the Senate,
Senate Chamber,
Helena.

Returned herewith is Senate Bill No. 22, entitled:

"An Act regulating the salary of vendors and also every officer, inspector, clerk or other employee to be employed by the Montana Liquor Control Board in the State of Montana."

Without my approval and with my objection thereto.

Section 11 of Article VII of our State Constitution prescribed that the Governor,

"... may on extraordinary occasion convene the Legislative Assembly by proclamation, stating the purposes for which it is convened, but when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, or which may be recommended by the Governor."

The measure under consideration in this instance can by no stretch of the imagination be construed as having been embraced within the terms of the call for this Extraordinary Session or in any recommendation submitted subsequent to the opening of the session. I am therefore impelled to withhold my approval of Senate Bill No. 22.

F. H. COONEY, Governor.

No. 32-- A Bill for an Act entitled: "An Act directing the State Board of Examiners, the State Auditor and the State Treasurer to transfer certain sums from and to certain accounts in the funds appropriated for the Veterans' Welfare Commission for the biennium ending June 30, 1935, for the purpose of enabling said Commission to maintain its efficiency and to properly handle the claims of disabled ex-service men for compensation under Acts of Congress."

House Bill No. 32 introduced by Committee on Appropriations, having been read three several times, history and title agreed to, was passed by the following vote:

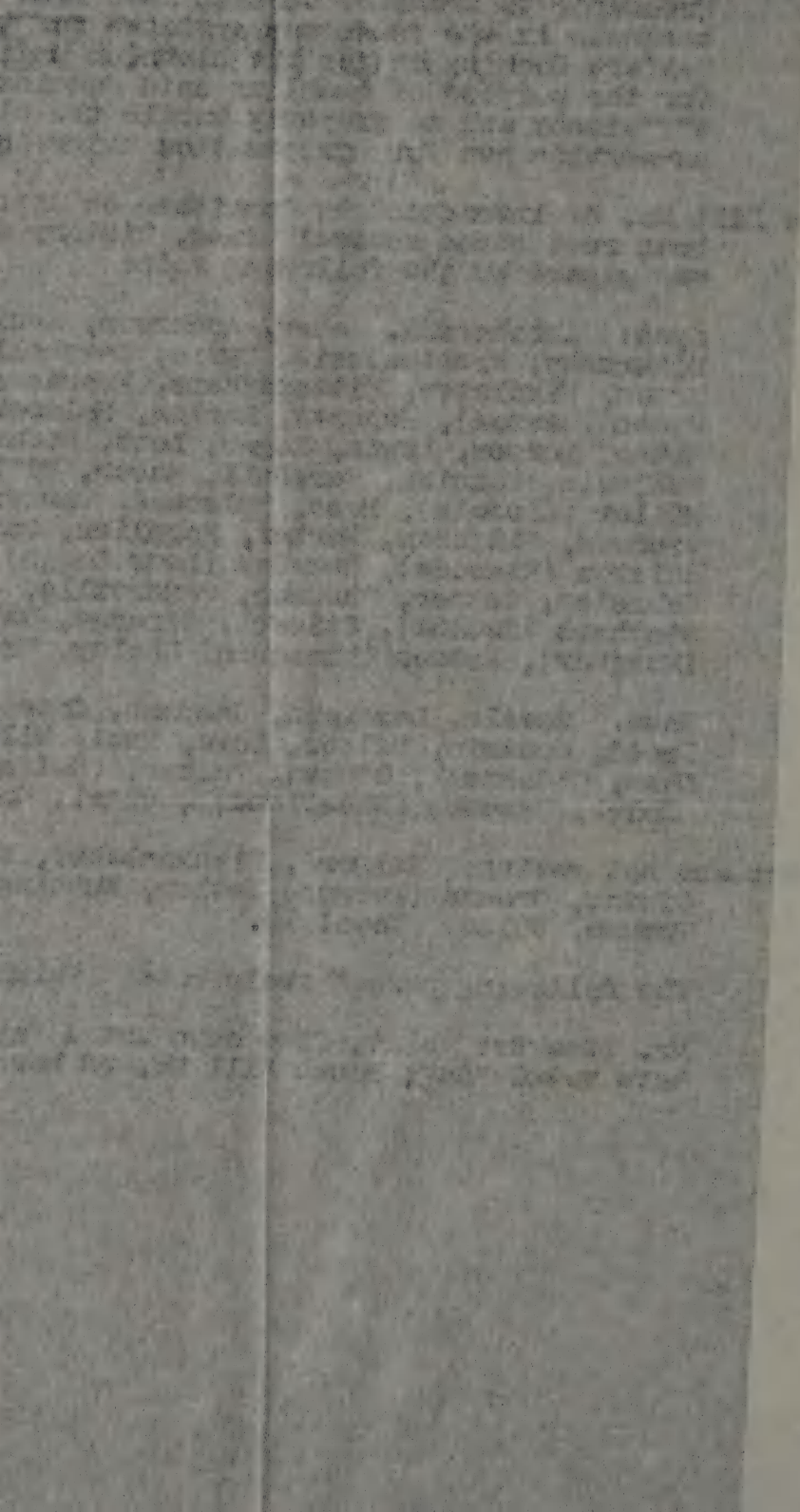
Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Ballard, Bjournesby, Breitenstein, Byrne, Campbell, Cusker, Doe, Eeton, Findlater, Fitzstephens, Freudenstein, Erabow, Green (Dawson), Hagerty, Harlen, Holecsek, Jensen, Knowles, Kruse, Larsen, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miller (Big Horn), Miller (Lincoln), Moss, Nelstead, Parker (Broadwater), Pierson, Pilgeran, Porter, Regulien, Quenne, Ragen, Ralston (Cascade), Reardon (Deer Lodge) Regulien, Roll, Schubster, Setzer, Shamon, Sogerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Ueland, Waite, Watson (Meagher), Watson (Missoula) Whaley, Mr. Speaker. Total 65.

Noes. Beadle, Besancon, Chapman, Connor, Daugherty, Ferry, Freed, Goodwin, Hilger, Love, Kuhl, Miles, Mulholland, Nass, O'Connell, O'Shea, Parker, (Kalispeil), Replogle, Rolph, Stevens (Wheatland), Wigal, Woodcock. Total 22.

Absent and not voting: Balgord, Blankenbaker, Doran, Duffy, Fowler, Givens, Greene (Fergus) Metlen, Matting, Snidow, Sullivan Tremme, White. Total 13.

The following passed their vote: Haight. Total 1.

Mr. Speaker: Sixty-five have voted "aye"; twenty-two have voted "no"; House Bill No. 32 has passed the House.



It was moved by Besancon, duly seconded, that Senate Bill No. 22 be concurred in by the House notwithstanding the Governor's veto and the same was not concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Bjorneby, Breitenstein, Conner, Ecton, Findlater, Freed, Goodwin, Green (Dawson), Groene (Fergus), Haight, Harlen, Hilger, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, McElwain, Marshall, Metlen, Miles, Miller (Big Horn), Moss, Nelstead, Nutting, O'Shea, Parker (Flathead), Quamme, Roll, Shannon, Sparling, Stevens (Wheatland), Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Wigal. Total 46.

Noes: Ballard, Beadle, Besancon, Byrne, Campbell, Chapman, Cusker, Daugherty, Doe, Doran, Duffy, Ferry, Fitzstephens, Fowler, Freudenstein, Grabow, Hagerty, Harrington, Holecek, Jensen, Larsen, Love, McCarvel, McDermott, Manning, Mason, Miller (Lincoln), Mulholland, Nass, O'Connell, Parker (Broadwater), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Somerville, Spangler, Stephens (McCone), Stiefel, Sullivan, Whaley, White, Woodcock, Mr. Speaker. Total 51.

Absent and not voting:

Blankenbaker, Givens, Setzer and Snidow. Total 4.

The Speaker: Forty-six have voted "aye"; fifty-one have voted "no"; Senate Bill No. 22, upon reconsideration, notwithstanding the Governor's veto, has not been concurred in by the House.

MOTIONS AND RESOLUTIONS

It was moved by O'Connell, duly seconded, that the House now reconsider its action on Senate Bill No. 22. Motion was lost.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Taxation: That H. B. No. 48 be amended in Section 2, line 1, original bill, after the word "population" by adding the following: "After March 31, 1935, the State Treasurer shall deposit seventy-five (75) per centum to the general fund, and twenty-five (25) per centum thereof to the common school equalization fund."

And as so amended, recommend bill for concurrence, report adopted.

Committee on Taxation: That H. B. No. 46 be amended in Section 2, line 24, original bill, after the word "fund" by adding the following: "After March 31, 1935, the State Treasurer shall deposit fifty (50) per centum of the taxes paid under this Act to the general fund, and twenty-five (25) per centum to the common school interest and income fund, and twenty-five (25) per centum thereof to the common school equalization fund."

And as so amended, recommend bill for concurrence, report adopted.

Committee on Finance and Claims: That H. B. No. 62 be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 44 be concurred in.

That consideration of Sub. for H. B. No. 67 be passed.

That S. J. M. No. 7 do pass.

That H. B. No. 12 be amended in Section 1 by striking out in lines 13 and 14, engrossed bill, the words and figures, "one per cent (1%)", and inserting in lieu thereof the words and figures, "one-half of one per cent ($\frac{1}{2}$ of 1%)".

And as so amended, recommend same be concurred in.

That consideration of H. B. No. 28 be passed.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 44 be concurred in.

That consideration of Sub. for H. B. No. 67 be passed.

That S. J. M. No. 7 do pass.

That H. B. No. 12 be amended in Section 1 by striking out in lines 13 and 14, engrossed bill, the words and figures, "one per cent (1%)", and inserting in lieu thereof the words and figures, "one-half of one per cent ($\frac{1}{2}$ of 1%)".

And as so amended, recommend same be concurred in.

That consideration of H. B. No. 28 be passed.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Helena, Montana,
January 8, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Standing Committees this day reported as follows:

Committee on Taxation: That H. B. No. 12 be amended in Section 3, line 2, original bill, after the colon by striking out the words and figures, "forty per cent (40%)" and inserting in lieu thereof the words and figures, "eighty per cent (80%)."

Amend in Section 3, line 3, by striking out the words and figures and the comma, "forty per cent (40%) thereof to the Unemployment Relief Fund,"

Amend in Section 5, line 9, original bill, after the word "energy" and before the period by inserting the following: "for the preceding calendar month."

And as so amended, recommend H. B. No. 12 be concurred in, report adopted.

Committee on Taxation: That H. B. No. 28 be amended in the title, line 1, original bill, by adding after the figure "2", the following: "and Section 9."

Amend by adding a new Section to read as follows:

"Section 2. That Section 9 of Chapter 180 of the Twenty-third Legislative Assembly of 1933, be and the same is hereby amended to read as follows:

"Section 9. All license taxes collected under the provisions of this Act shall be distributed as follows: Fifty per cent (50%) to the Emergency Relief Fund and Fifty per cent (50%) to the General Fund of the state until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation said Fifty per cent (50%) of such license fees shall be by the State Treasurer credited to the General Fund of the state, twenty-five per cent (25%) to the Common School Equalization Fund and Twenty-five per cent (25%) to the Common School Interest and Income Fund.'"

Amend by renumbering Section 2 to read as Section 3.

And as so amended, recommend H. B. No. 28 be concurred in, report adopted.

Committee on Judiciary: That Substitute H. B. No. 14 and Substitute House Bill No. 66 be not concurred in, report adopted:

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

THIRD READING OF SENATE BILLS

Without objection, bills on third reading were read by title and history only. Senate Bill No. 6 introduced by Ruffcorn, having been read three several times history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Lott, Love, McCarvel, McDermott, McElwain, Marshall, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 90.

Noes: Manning. Total 1.

Absent and not voting: Ballard, Blankenbaker, Givens, Groene (Fergus), Logan, Mason, Moss, Setzer, Shannon, Snidow. Total 10.

The Speaker: Ninety have voted "aye"; one has voted "no"; Senate Bill No. 6 has been concurred in by the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Rolph in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Amendments to House Bills No. 60, No. 57, No. 51 and No. 40, beg leave to report as follows:

That Senate Amendments to House Bill No. 60 be not concurred in and that a conference committee be appointed and a like committee be requested from the Senate.

That Senate Amendments to House Bill No. 57 be concurred in.

That Senate Amendments to House Bill No. 51 be not concurred in and that a conference committee be appointed and a like committee be requested from the Senate.

That Senate Amendments to House Bill No. 40 be not concurred in.

ROLPH, Chairman.

It was moved by Rolph, duly seconded, that the report of the Committee of the Whole be adopted.

On substitute motion, it was moved by Moss, duly seconded, that:

Senate amendments to House Bill No. 40 be segregated from the report of the Committee of the Whole and a roll call was demanded by the required number whereupon motion by Moss was lost by the following vote:

Ayes: Arnold, Balgord, Breitenstein, Ecton, Findlater, Goodwin, Hagerty, Harlen, Knowles, Logan, Lott, McCarvel, Moss, Nelstead, Quamme, Roll, Stevens (Wheatland), Strange, Waite, Watson (Meagher) Watson (Missoula), Trenne. Total 22.

Noes: Acher, Anderson, Annin, Ballard, Beadle, Besancon, Bjorneby, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Duffy, Ferry, Fitzstephens, Fowler, Freed, Freudenstein, Grabow, Green (Dawson), Haight, Harrington, Hilger, Holecck, Jensen, Kuhl, Love, McDermott, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Broadwater), Pierson, Pilgeram, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Sullivan, Whaley, White, Wigal, Woodcock, Mr. Speaker, Schuster. Total 62.

Absent and not voting: Abrahamson, Blankenbaker, Cusker, Doran, Givens, Groene (Fergus), Larsen, Lewis, McElwain, Metlen, Parker (Flathead), Porter, Setzer, Shannon, Snidow, Kruse. Total 16.

Passed: Ueland.

The Speaker: Twenty-two have voted "aye"; sixty-two have voted "no"; motion was lost.

Whereupon, motion by Rolph to adopt report of the Committee of the Whole was carried.

MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded, that the House reconsider its action on the adoption of the report of the Committee of the Whole with relation to Senate amendments to House Bill No. 40.

Motion was lost.

It was moved by Besancon, duly seconded and carried, that the House recess until 3:00 o'clock P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF SELECT COMMITTEES

It was moved by Haight, duly seconded, that the report submitted yesterday of the committee appointed to investigate the financial affairs of the Greater University and State Board of Education, be adopted.

On substitute motion, it was moved by Pierson, duly seconded and carried, that report of the committee be accepted and placed on file and the committee be discharged.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 31, 39 and 79, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 3:30 o'clock P. M., delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Hagerty, duly seconded, that the House reconsider its action on the report of the Special Committee which was adopted yesterday.

Motion was lost.

It was moved by Besancon, duly seconded and carried, that upon adjournment, the delegation from Yellowstone be allowed the use of the House Chamber to address members of the House who desired to stay, use of the House to be given under the rules and regulations prescribed by the Speaker, who shall preside at the meeting.

It was moved by Besancon, duly seconded and carried, that Third Reading of House Bills be passed for the day.

COMMUNICATIONS AND PETITIONS

The following telegram was read:

January 8, 1934.

Honorable D. A. Dellwo,
Speaker of the House,
Helena, Montana.

I have today presented Senate Joint Memorial number four to the President personally and discussed this matter with him. I trust that this may result in benefits to our state.

ROY E. AYERS,
Member of Congress.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 11:00 o'clock A. M., Wednesday, January 10th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FORTY-FIFTH DAY

House of Representatives,
Helena, Montana, January 10, 1934.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Blankenbaker, Givens, Setzer, Snidow, excused.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the 44th legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 9, 1934.

The Speaker,
House of Representatives,
Helena

I have the honor to advise you that I have today approved the following measures:

H. B. No. 31—Appropriation for establishment and operation of state liquor stores.

H. B. No. 39—Providing for the creation of the State Water Conservation Board.

H. B. No. 79—Amending Section 10 of Chapter 24, Laws of this Extraordinary Session, providing for emergency relief by employment.

F. H. COONEY, Governor.

January 9, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that S. J. M. No. 7, by Duncan and Church, was this day read three several times and passed, history and title agreed to, and same is herewith transmitted to the House for concurrence.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 9, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that H. B. No. 48, by Haight and Holecek, was this day recommended for non-concurrence by the Senate Committee of the Whole, report adopted, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 9, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that H. B. No. 62, by Pilgeram and Rearden, was this day read three several times and concurred in, title and history agreed to, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 9, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read three several times and concurred in as amended, history and title agreed to, and bills are herewith returned to the House for concurrence in Senate amendments:

H. B. No. 12, by Replogle.

H. B. No. 44, by Committee on Irrigation and Water Rights.

H. B. No. 46, by Haight and Holecek.

Sub. H. B. No. 67, by Rognlien.

H. B. No. 78, by Stiefel.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 9, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That Sub. for H. B. No. 67 be concurred in.

That H. B. No. 62 be concurred in.

That H. B. No. 46 be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 9, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day gave notice that he was about to sign and did sign:

H. B. No. 31.
H. B. No. 39.
H. B. No. 79.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 9, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 48 be not concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 9, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on roll call, concurred in the House amendments to S. B. No. 6.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 9, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that at the request of the House, and on motion of Senator Kane, duly seconded and carried, the President of the Senate this day appointed the following Senators to act as Joint Conference Committees with like committees with the House.

For the consideration of Senate amendments to H. B. 60: Senators Simmons, Sparling and Keeley.

For the consideration of Senate amendments to H. B. 51: Senators Coburn, Church and Larson.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 9, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on roll call, adopted the report of the Joint Conference Committee on Senate amendments to H. B. No. 1.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Marshall, duly seconded and carried, that the Revenue and Taxation Committee be requested to report at its earliest convenience what anticipated revenues already passed by both Houses will accrue to Relief Funds and what to the General Funds.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following Memorial was introduced, read first and second time and referred to Committee on Federal Relations.

Senate Joint Memorial No. 7, introduced by Committee on Counties and Towns:

A Memorial memorializing the Congress of the United States for a grant of lands for public buildings at the capitol of the state, in addition to grants heretofore made for that purpose.

THIRD READING OF HOUSE BILLS

Senate amendments to House Bill No. 57, having been read three several times, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Chapman, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Haggerty, Haight, Harlen, Harrington, Hilger, Holecek, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Rolph, Schuster, Setzer, Shannon, Snidow, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 89.

Noes: Metlen, Watson (Meagher). Total 2.

Absent and not voting: Blankenbaker, Campbell, Doran, Givens, Groene (Fergus), Jensen, Knowles, McElwain, Replogle, Roll. Total 10.

The Speaker: Eighty-nine have voted "aye"; two have voted "no"; Senate amendments to House Bill No. 57 have been concurred in by the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Porter in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Amendments to House Bill No. 46, beg leave to report as follows:

That Senate amendments to House Bill No. 46 be passed temporarily.

A. T. PORTER, Chairman.

On motion of Porter, report adopted.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

January 10, 1934.

Mr. Speaker: We, your Committee on State Lands, having had under consideration Senate Bill No. 8, entitled:

A bill for an Act entitled: "An Act to cede jurisdiction to the United States over the Fort Peck Dam, the body of water created by such dam, the land under such body of water, and any land now owned or which may be hereafter acquired by the United States and which shall touch such body of water, all being in the Counties of Valley, Phillips, McCone, Garfield, Petroleum and Fergus, Montana, and reserving certain rights to the State of Montana."

Respectfully report as follows:

That Senate Bill No. 8 be amended as follows:

Amend Section 1, line 11, after the word "that" by striking out the word "exclusive" and inserting in lieu thereof "concurrent."

Amend Section 1, line 22 after the word "state" by striking out the words "but outside of" and inserting in lieu thereof "within or without."

And as amended be concurred in.

METLEN, Chairman.

On motion of Metlen, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that all Select Investigating Committees be made a special order of business tomorrow at 11:00 o'clock A. M.

INTRODUCTION OF BILLS AND MEMORIALS AND
SECOND READING OF THE SAME

By unanimous consent of the House, the following bill was introduced without notice read first time and second time at length and referred to the Committee on Appropriations.

House Bill No. 80 introduced by Committee on Appropriations:

A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana."

REPORTS OF STANDING COMMITTEES

January 10, 1934.

Mr. Speaker: We, your Committee on Appropriations having had under consideration House Bill No. 80 entitled:

A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana."

Respectfully report as follows:

That House Bill No. 80 do pass.

SHANNON, Chairman.

On motion of Shannon, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried, that House Bill No. 80 be considered correctly printed and placed on General Orders.

It was moved by Shannon, duly seconded and carried, that House Bill No. 80 be placed at the head of the list on General Orders.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Porter in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 80, beg leave to report as follows:

That House Bill No. 80 do pass.

A. T. PORTER, Chairman.

On motion of Porter, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried, that House Bill No. 80 be considered properly engrossed and placed on Third Reading.

THIRD READING OF HOUSE BILLS

House Bill No. 80 introduced by Committee on Appropriations, having been read three several times at length, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjorneby, Byrne, Campbell, Chapman, Conner, Cusker, Doran, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Green (Dawson), Hagerty, Haight, Harrington, Hilger, Holecek, Jensen, Kruse, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nelstead, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Reardon (Deer Lodge), Repogle, Rognlien, Rolph, Schuster, Shannon, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 74.

Noes: Daugherty, Freed, Goodwin, Kuhl, Nass, O'Shea, Reardon (Cascade), Stevens (Wheatland), Woodcock, Duffy. Total 10.

Absent and not voting: Ballard, Blankenbaker, Breitenstein, Doe, Givens, Grabow, Groene (Fergus), Harlen, Knowles, Metlen, Nutting, Roll, Setzer, Snidow, Somerville, Spangler, Watson (Meagher). Total 17.

The Speaker: Seventy-four have voted "aye"; ten have voted "no"; House Bill No. 80 has passed the House.

The Speaker announced he was about to sign Senate Bill No. 6, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Porter in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration the Senate amendments to House Bills Nos. 78, Substitute 67, 44, 12 and 46, beg leave to report as follows:

That Senate amendments to House Bill No. 78 be concurred in.

That Senate amendments to Substitute House Bill No. 67 be concurred in.

That Senate Amendments to House Bill No. 44 be concurred in.

That Senate amendments to House Bill No. 12 be not concurred in and that a conference committee be appointed and a like committee be requested from the Senate.

That Senate amendments to House Bill No. 46 be not concurred in and that a conference committee be appointed and a like committee be requested from the Senate.

PORTER, Chairman.

On motion of Porter, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the report of the Joint Committee on Insurance be segregated from the Special Order of Business set for 11:00 o'clock.

REPORTS OF SELECT COMMITTEES

January 8, 1934.

Mr. Speaker: We, your joint Conference Committee, having had under consideration Substitute House Bill No. 6 entitled: "An Act to permit the amortization of delinquent taxes on real estate, and certain personal property; providing the terms and conditions thereof; providing for the creation of a tax amortization fund and the disposition thereof, and repeal of Acts and parts of Acts in conflict therewith."

Respectfully report as follows: That Substitute House Bill No. 6 be amended as follows:

By striking out all of the title of the engrossed bill as amended by Senate amendment and inserting in lieu thereof the following: "An Act to permit the payment of delinquent taxes, assessments, penalties and interest on real estate and certain personal property by installment payments, and repealing all Acts and parts of Acts in conflict therewith."

By striking out all of Section 1 of the engrossed bill as amended by Senate amendment and inserting in lieu thereof the following:

"Section One. All taxes and/or assessments heretofore levied against real property and all taxes heretofore levied against personal property and which are a lien against real property, together with penalties and interest thereon, which were delinquent and unpaid November 1st, 1933, may be paid in twenty (20) semi-annual installments extending over a period of ten (10) years, under the terms of a contract to be made by and between the Board of County Commissioners of the county wherein said pro-

perty is located and any taxpayer concerned, provided that no taxes levied during the year 1933, nor any subsequent year, against the property embraced within any such contract shall be unpaid on the date when such contract is entered into."

By striking out the word "equal" in line 5, sub-division 6 of Section 2 of the engrossed bill as amended by Senate Amendment.

Amend by inserting after the word "application" in line 12, Section 3, of the engrossed bill the following: "and thereupon a written contract shall be made and entered into between the applicant and the Board of County Commissioners embodying the terms and provisions of such application."

Amend by striking out in Section 4 of the engrossed bill as amended by Senate amendment all of lines 29, 30, 31 and 32, page 2, and lines one and two, page 3, and inserting in lieu thereof the following: "and the county officers responsible shall proceed to take tax deed to such property as provided by law in the same manner as though the taxpayer had not availed himself of the provisions of this Act."

Amend by striking out all of Section 5 of the engrossed bill as amended by Senate amendments and inserting in lieu thereof the following:

"Section 5. The amount of delinquent taxes, assessments, penalties and interest, as specified in said contract, shall bear interest at the same rate as such delinquent taxes would bear, and such interest shall be payable semi-annually upon the balance remaining unpaid at that time, and the unpaid balance due on the contract may be paid in full at any time and the interest shall be computed only to such date of final payment."

Amend by striking out all of Section 8 of the engrossed bill as amended by Senate amendment and inserting in lieu thereof the following:

"Section 8. Upon the acceptance of any application, the County Treasurer shall determine the percentage of equity of each separate fund in the total amount of the contract based upon the levy or assessment of each such fund. Upon payment of any installment or installments, the County Treasurer shall issue his official receipt therefor, and he shall immediately credit such payment to the several funds on the above basis. Upon full payment of the contract, the County Treasurer shall deliver to the taxpayers the paid tax receipts for the years covered by said contract, and shall indicate on his records that such taxes have been paid in full. Provided, that after two (2) successive installments on such contract are past due and unpaid, and a tax deed is taken by the county, the sale price in such tax deed proceedings shall be the unpaid balance of all delinquent taxes or assessments, penalties and interest included in the contract."

Amend by inserting in line 3, Section 10, page 3 of the engrossed bill as amended by Senate amendments after the word "shall" and before the word "apply" the word "also" and by striking out Senate amendment to Section 10 reading as follows: "Provided, however, that none of the provisions of this Act shall apply to assessments for special improvements levied or assessed against property in incorporated cities or towns," and by inserting in lieu thereof the following: "Provided, however, that the provisions of this Act shall also apply to assessments for special improvements levied or assessed against property in incorporated cities or towns."

The House accedes to Senate amendment to subdivision 5 of Section 2 of the engrossed bill.

The House accedes to Senate Amendment to subdivision 6 of Section 2 of the engrossed bill.

The House accedes to Senate amendments in lines 17, 20 and 21 of Section 3 of the engrossed bill.

The House accedes to Senate amendments in lines 25, 26 and 31 of Section 4 of the engrossed bill.

The House accedes to Senate amendment to Section 9 of the engrossed bill and also to Senate amendment in line 4 of Section 10 of the engrossed bill.

The House accedes to Senate amendments as to consecutive renumbering of Sections.

And that said Substitute House Bill No. 6 as so amended and concurred in by your said Joint Conference Committee be concurred in.

BYRNE,
UELAND,
GROENE,

For the House.

SIMMONS,
KILDUFF,
CAREY,

For the Senate.

Joint Conference Committee.

It was moved by Byrne, duly seconded, that the report of the Conference Committee on Substitute House Bill No. 6 be adopted.

On substitute motion, it was moved by Stevens of Wheatland, duly seconded, that action on the report be postponed until the bill could be mimeographed with the amendments incorporated. Motion was lost.

Whereupon Conference Committee report was adopted by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kuhl, Larsen, Lewis, Logan, McCarvel, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nelstead, Nutting, O'Connell, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Roll, Schuster, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 78.

Noes: None.

Absent and not voting: Arnold, Ballard, Blankenbaker, Doe, Fitzstephens, Fowler, Givens, Kruse, Lott, Love, McDermott, Moss, Nass, O'Shea, Pierson, Repolgle, Rognlien, Rolph, Setzer, Shannon, Snidow, Somerville. Total 22.

Passed: Woodcock.

The Speaker: Seventy-eight have voted "aye"; none have voted "no"; report of Conference Committee on Substitute House Bill No. 6 is adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that when Substitute House Bill No. 6 has been enrolled, that the Printing Committee have five hundred copies printed for the use of the members of the Legislature and public officials.

REPORTS OF SELECT COMMITTEES

To the President of the Senate and the Speaker of the House of Representatives:

We, your Joint Committee of the Senate and House of Representatives, appointed to investigate the cancellation of fire insurance contracts upon the buildings and contracts belonging to the state, and awarding of the automobile insurance for the state, respectfully report as follows:

Your committee has inquired closely into the facts concerning the recent cancellation of fire insurance contracts covering the state property and the re-letting of same, and the various circumstances connected therewith. Your committee also inquired into the re-letting of fire insurance contracts which had not been cancelled, but which had expired or will expire by limitation, and are being re-let from time to time. Your committee also inquired into the policy being followed by the State of Montana in placing fire, fire and theft, public liability and property damage insurance on the fleets of cars, trucks, motorized equipment and team equipment, either owned or operated by the state in its various activities, and the action of the State Board of Examiners in the purchase of such insurance contracts.

Your committee finds that in September 1932, the then State Board of Examiners, Erickson, Harmon and Foote, purchased insurance on the entire State List of buildings to the extent of \$9,353,685.00, at a uniform rate of \$.796 per \$100. of insurance for a period of three years. The awarding of these contracts was protested by the Miller Insurance Agency, a bidder for a part of the same insurance, which secured an injunction on the payment of the premiums by the state.

On date of March 31, 1933, the Board of Examiners, consisting of Governor Cooney, Secretary of State, Sam Mitchell, and Attorney General Raymond T. Nagle, on motion of Mitchell, voted to cancel all state fire insurance on the State List, to the extent of \$9,353,685.00, to take effect as of date of May 1, 1933, Nagle voting "no" on the motion. On date of April 28, 1933, the Board decided to accept the bid of the Miller Insurance Agency for new contracts in the amount of \$6,671,391 at a uniform rate of \$.60 per \$100 of insurance for a period of three years. The valuation on said state buildings and contents, under the new contracts, represents a reduction of 28% from the figures in the previous contracts, and the board evidently approved these lower values upon the recommendation of the Miller Insurance Agency.

Had these respective rates been the sole factors to be considered in gauging the comparative values of the contracts cancelled, and the new contracts, there would be no doubt of the greater economy in the new contracts. However, in cancelling the old contracts, which had run eight months, it became necessary to pay for this eight month's insurance at what is known as a **short term rate**, which in this case was equivalent to a three year rate of \$1.43 per \$100 of insurance. Your committee has combined this eight months' insurance at a rate of \$1.43, and twenty-eight months insurance at a rate of \$.60, to show that Montana is now paying an average three year rate of \$.851, while under the cancelled contracts it was paying a rate of \$.796.

The Board of Examiners evidently accepted the advice of the Miller Insurance Agency, to the effect that payment of the Short Term Rate under the cancelled policies was unnecessary and would not be required. However, after cancelling all of these original contracts, the board decided to ask for legal counsel from the Attorney General's office, and was advised that the said rate must be paid, and it was duly paid.

Aside from the actual money loss on the exchange of coverage involved, the excessive reduction in valuation endangers the effectiveness of the 90% co-insurance clause in the contracts and renders it probable that

a full recovery could not be collected in case of total loss. Upon demand of one member of the board, Mr. Nagle, the Miller Insurance Agency agreed to furnish the board with endorsements on the contracts, in which endorsements the companies agreed that the valuations placed in the policies were the **found valuations of the buildings and contents**. This assurance has not been furnished to the board.

About \$4,500,000 of this insurance was written with Mutual Companies on Stock Company contracts, which practice is forbidden by Montana statutes. The validity of this portion of the state insurance is an unsettled question, not yet decided by our courts, and the state cannot question the validity of this insurance, since the state is a party to the contracts. There is serious question as to whether this amount of the insurance has been placed in valid contracts, and Attorney General Nagle stated that he would not even venture to say what the courts might decide if the matter came up to them again. There is a chance that companies can escape payment of loss under these contracts.

Your committee finds that a considerable volume of fire insurance, about \$250,000.00 in amount, had been carried in miscellaneous policies and companies, at varying rates, which rates were generally high. This insurance represents values of farm and ranch buildings and small institutions. The board has contracted with the Miller Insurance Agency to renew all of these policies at a uniform rate of \$1.00, and has arranged that all of the renewals shall expire at the same time in 1936, and thereafter be placed in a group contract. This rate is very low, and your committee doubts if responsible companies can be found to carry these risks at such a rate.

Your committee finds that Mr. Charles E. Miller, Jr., representative of the Miller Insurance Agency in selling these various contracts to the board, represented himself to the board as being, in fact, the agent of all the companies who took over the insurance under the new contracts; that the said Mr. Miller filed a sworn statement claiming that all premiums under said contracts were due and owing to him as such agent; and that said Mr. Miller later assigned portions of the proceeds of said claim to the companies to which the same was rightfully owing. Your committee also found through testimony of accredited representatives of these companies, which is hereto attached, that the said Mr. Miller did not at any time and does not now have any authority as a representative or agent of said companies, nor has he any authority to write business for them or collect claims for them, and that his sworn statement on above mentioned claim is wholly false.

Your committee finds evidence which is hereto attached, tending to prove the said Mr. Miller held a status as a "temporary employee" of these various companies, in a questionable and irregular capacity. That by reason of this questionable and irregular capacity in Mr. Miller's status with those companies, improper remuneration could be passed and was passed to him. Because of this fact, the State of Montana will lose a portion of the license tax collectible upon the total of all premiums charged upon insurance service in this state.

Your committee finds that the Insurance Department of the State of Montana has been placed in an embarrassing position in enforcing the insurance laws of the state and inflicting penalties on agents and companies found guilty of breaching the law in the writing of the insurance covering the state owned buildings. Action by the Insurance Department in the matter could well raise defenses for the company involved, in the case of loss, and could well provide grounds for foreign members of the Mutual companies involved, to attack the validity of the contract written, in the event of a loss occurred and participation was called for by the companies. Your committee can find no reason why one State Depart-

ment should aid and abet the violation of state laws, and place at a disadvantage other State Departments, charged with the duty of enforcing the laws violated and penalizing those responsible for that violation.

Your committee finds that on May 23, 1933, the Board of Examiners, Attorney General Nagle being absent, awarded the Public Liability and Property Damage, fire and theft insurance on all motor vehicles and other state equipment to the Miller Insurance Agency of Butte. No bids had been asked for on this insurance, as was on the fire insurance contracts on buildings and contents. It seems to your committee that if the Board of Examiners thought it best to advertise for bids on one type of insurance, the same policy should have been carried out in asking for this coverage on the state-owned motor vehicles and other equipment.

Your committee finds that somewhat later Mr. Nagle objected to this action, and that the board then called for bids on this insurance, bids to be opened on June 10, 1933. Evidence shows that at this meeting on June 10, when contracts were to be let, a Mr. Jacobus presented the lowest bid on public liability and property damage insurance on motor vehicles. Evidence was found to show that after the amount of the bids had been disclosed, either Mr. Mitchell or Mr. Miller produced an endorsement on Mr. Miller's bid, reducing same, so that he could secure the contract. Evidence also showed that Mr. Miller had on May 26th, received a state warrant in payment in full for the contracts that were being bid upon date of June 10, and had cashed said warrant and received the proceeds thereof.

The above mentioned endorsement was signed by Mr. Miller as agent for the companies concerned, and by no officer of said companies. This was also true of many other similar endorsements on these policies. Your committee is strongly apprehensive of the validity of such endorsements, and recommends that the Insurance Department be consulted concerning their validity and effect.

Your committee finds further that the State Insurance Department offered to the Board of Examiners all its facilities, for a thorough and dependable consideration of the insurance problem, with information and counsel concerning the responsibility of the various companies involved, the legal status of the agents and representatives and the adaptability and desirability of the types of policies offered. The Secretary of State testified that no previous experience in placing or handling insurance, yet he curtly and arrogantly refused and rejected all offers of assistance and co-operation from the Insurance Department, and continues at this time to so reject such co-operation. The facilities and co-operation of the Insurance Department are still available for the Secretary of State and the State Board of Examiners. Your committee strongly recommends that these two offices make use of the services which the people of the state have provided for them. Your committee found abundant evidence that the service of the Insurance Department is needed in the two said offices.

Your committee finds that cancellation of insurance contracts on the State List at short term rates, and the purchase of new contracts to balance the original insurance for three years, resulted in an actual loss to the state in the sum of \$3,996.84. It is believed that the valuations on this state property is now too low. It is also believed that the surplus assets and reserves, as well as the security and service to be had under the cancelled contracts, were unquestionably superior to similar factors in the contracts now in force.

Your committee finds that in placing new contracts on the miscellaneous farm and ranch property, the State Board of Examiners has let to the Miller Insurance Agency about \$90,000.00 of insurance contracts, upon which a saving has been made over the earlier rate in the amount of \$1172.21. There remains about \$168,000.00 of contracts to be

let, and on the rates promised, an additional saving of \$2361.84 is estimated. If this estimated reduction is secured a gross saving of \$3534.05 will have resulted.

In concluding, it is obvious that the public welfare demands at all times, and particularly in these perilous times, that every measure designed to guard the public interest be maintained and made effective. Summarizing its findings, your committee makes the following recommendations:

(1) That the State Board of Examiners scrupulously adhere to the highest standards of fairness and impartiality in placing contracts for public service, so that no question of impropriety may attach to such proceedings.

(2) That all state insurance contracts covering miscellaneous farm, ranch and institution properties, be submitted by the State Board of Examiners to the Insurance Department for inspection and approval, to assure adequate protection to state property to make certain that such contracts have been actually placed with responsible companies.

(3) That all public liability and property damage policies on state equipment, bearing agent's endorsements, be submitted by the State Board of Examiners to the Insurance Department for inspection and approval with regard to the validity and effect of such endorsements and policies.

(4) That the Insurance Department take the necessary steps to make certain that all insurance agents and solicitors are properly licensed and qualified under Montana Laws, to the end that the public may be protected against voidable and illegal contracts.

(5) That the Insurance Department and the Attorney-General promptly co-operate in an earnest effort to definitely determine and establish, if possible, the validity of all fire insurance contracts on state buildings, where such validity is now in question, or otherwise determine the invalidity of such contracts and permit the substitution of valid insurance in place thereof, and in such event provide for the recovery of any premiums improperly paid.

Respectfully submitted by your joint committee from Senate and House of Representatives.

PARKIN,
GARBER,
ROWLAND.

For the Senate.

BYRNE,
H. SPARLING,
ED. STIEFEL.

For the House of Representatives.

It was moved by Byrne, duly seconded, that report be adopted.

On substitute motion, it was moved by O'Connell, duly seconded and carried, that further consideration of the report be postponed until same can be mimeographed and placed on the desks of the members.

THIRD READING OF HOUSE BILLS

Senate amendments to House Bill No. 78 having been read three several times, were concurred in by the following vote:

Ayes: Acher, Anderson, Annin, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Findlater, Fitzstephens, Goodwin, Grabow, Green (Daw-

son), Hagerty, Harlen, Jensen, Kruse, Larsen, Lewis, Lott, Love, McCarvel, McDermott, McElwain, Manning, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Roll, Schuster, Spangler, Sparling, Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 67.

Noes: Balgord, Harrington, Hilger, Kuhl, Pierson, Woodcock. Total 6.

Absent and not voting: Abrahamson, Arnold, Ballard, Blankenbaker, Doe, Ferry, Fowler, Freed, Freudenstein, Givens, Groene (Fergus), Haight, Holecek, Knowles, Logan, Marshall, Metlen, Moss, Nelstead, Porter, Rognlien, Rolph, Setzer, Shannon, Snidow, Somerville, Stephens (McCone), Watson (Meagher). Total 28.

The Speaker: Sixty-seven have voted "aye"; six have voted "no"; Senate amendments to House Bill No. 78 were concurred in by the House.

Senate amendments to House Bill No. 67, having been read three several times, were concurred in by the following vote:

Ayes: Acher, Anderson, Annin, Balgord, Beadle, Besancon, Bjorneby, Breitenstein, Campbell, Chapman, Cusker, Daugherty, Doran, Duffy, Ecton, Findlater, Freudenstein, Goodwin, Green (Dawson), Hagerty, Harlen, Harrington, Jensen, Larsen, Love, McCarvel, McDermott, McElwain, Manning, Mason, Mulholland, Nass, Nutting, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Sparling, Stevens (Wheatland), Stiefel, Sullivan, Trenne, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 59.

Noes: Conner, Ferry, Haight, Hilger, Miles, Miller (Big Horn), Miller (Lincoln), O'Shea, Ragen, Strange, Kuhl. Total 11.

Absent and not voting: Abrahamson, Arnold, Ballard, Blankenbaker, Byrne, Doe, Fitzstephens, Fowler, Freed, Givens, Grabow, Groene (Fergus), Holecek, Knowles, Kruse, Lewis, Logan, Lott, Marshall, Metlen, Moss, Nelstead, Rolph, Setzer, Shannon, Snidow, Somerville, Spangler, Stephens (McCone), Ueland, Watson (Meagher). Total 31.

The Speaker: Fifty-nine have voted "aye"; eleven have voted "no"; Senate amendments to House Bill No. 67 were concurred in by the House.

Senate amendments to House Bill No. 44, having been read three several times, were concurred in by the following vote:

Ayes: Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Freudenstein, Goodwin, Green (Dawson), Hagerty, Harlen, Harrington, Hilger, Jensen, Kruse, Kuhl, Larsen, Love, McCarvel, McDermott, McElwain, Manning, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Sparling, Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 72.

Noes: Haight. Total 1.

Absent and not voting: Abrahamson, Ballard, Blankenbaker, Doe, Fitzstephens, Fowler, Freed, Givens, Grabow, Groene (Fergus), Holecek, Knowles, Lewis, Logan, Lott, Marshall, Metlen, Moss, Nelstead, Ralston, Roll, Rolph, Setzer, Shannon, Snidow, Somerville, Spangler, Stephens (McCone). Total 28.

The Speaker: Seventy-two have voted "aye"; one has voted "no"; Senate amendments to House Bill No. 44, were concurred in by the House.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 11:00 o'clock, Thursday, January 11th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FORTY-SIXTH DAY

House of Representatives,
Helena, Montana, January 11, 1934.

House convened, pursuant to adjournment, at 11 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Blankenbaker, Givens, Setzer, Snidow, excused.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the 45th legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

COMMUNICATIONS AND PETITIONS

The following telegram was read:

Speaker of the House,
Helena, Montana.

This is to advise you that I have today presented to the President personally House Joint Memorial number five and Senate Joint Memorial number three.

ROY E. AYERS, M. C.

REPORTS OF SELECT COMMITTEES

We, your Conference Committee, appointed to consider Senate amendments to Substitute House Bill No. 30, respectfully report and recommend as follows:

That we agree to and the House accedes to Senate amendment as follows:

Amend in title by adding in line 4 of the title of the printed bill, after the figure "30", the following figure and comma "31."

That we agree to and the House accedes to Senate Committee on Judiciary amendment, as follows:

Amend by striking out in Sub-Section 2, of Section 1, engrossed bill, all of paragraph (F) and relettering the following paragraphs of said section accordingly.

That we agree to and the House accedes to Senate amendment as follows:

Amend by striking out all of paragraph (K) in Section 2.

That we agree to and the House accedes to Senate amendment as follows:

Amend by striking out in Sub-Section 9 of Section 3, engrossed bill, in line 23, the words "store vendor."

That we agree to and the House accedes to Senate amendment as follows:

Amend by striking out in Section 6, engrossed bill, in line 16, the words "store vendor."

That the Senate recedes from the following Senate amendment:

Amend by adding after Section 10, in line 6, of page 5, printed bill, the following:

"Section 11. That Section 31 of Chapter 106 of the Session Laws of 1933, be and the same is hereby amended to read as follows:

"Section 31. It shall be unlawful for such retailer to purchase or acquire beer from anyone except a brewer or wholesaler licenced under the provisions of this Act, or for any person, firm or corporation to sell or dispose of beer to any person under the age of twenty-one (21) years, or to any person who shall appear to be in an intoxicated or disorderly condition, or to allow or permit any intoxicated or disorderly person to come into or remain in or about his premises. It is further provided that no person under the age of twenty-one (21) years shall dispense or serve beer to patrons."

That we agree to the following amendment:

Amend by adding after Section 10 of page 5, printed bill, the following:

"Section 11. That Section 31 of Chapter 106 of the Session Laws of 1933, be and the same is hereby amended to read as follows:

"Section 31. It shall be unlawful for such retailer to purchase or acquire beer from anyone except a brewer or wholesaler licensed under the provisions of this Act, or for any person, firm or corporation to sell or dispose of beer to any person who shall appear to be in an intoxicated or disorderly condition, or to allow or permit any intoxicated or disorderly person to come into or remain in or about his premises, and re-number the succeeding sections accordingly.

That we agree to and the House accedes to Senate amendment as follows:

Amend by striking out all Section 11, engrossed bill, and renumbering succeeding sections accordingly.

That we agree to and the House accedes to Senate amendment as follows:

Amend by striking out in Section 15, engrossed bill, all of line 19.

That the Senate recedes from Senate amendment as follows:

Amend in Section 14, engrossed bill, by striking out all of line 18 and inserting in lieu thereof the following: "each retailer in towns having a population less than five hundred (500) one hundred dollars (\$100); each retailer in cities and towns having a population of five hundred

(500) and not more than one thousand (1,000) one hundred and fifty dollars (\$150.); each retailer in cities or towns having a population of one thousand (1,000) or more, two hundred dollars (\$200).

That we agree to and the House accedes to Senate amendments as follows:

Amend by striking out all of original Section 16, engrossed bill, and renumbering succeeding sections accordingly.

That we agree that Senate amendment, as follows:

Amend by striking out all of Section 16 after the word "follows" in line 29, engrossed bill, and inserting in lieu thereof the following: "one-half ($\frac{1}{2}$) thereof shall be transferred to the General Fund of the State of Montana and the remaining one-half ($\frac{1}{2}$) shall be distributed to the Emergency Relief Fund to be administered by the State Emergency Relief Commission of the State of Montana; be corrected by inserting the figure "18", in line one (1) of the amendment, in lieu of the figure "16", and as corrected, the amendment is agreed to.

THIEN,
BURR,
LARSON,

Senate Committee.

SPANGLER,
DOE,
McELWAIN,

House Committee.

SUPPLEMENTARY EXPLANATION. RE: SUBSTITUTE HOUSE BILL 30

The effect of the Conference Committee report on Substitute House Bill 30 is as follows:

There will be no limitations as to the number of retail licenses at a flat rate of \$200.00 each.

The half-year license provision is eliminated. The age restriction is removed and the provisions for "Store Vendor" licenses have been removed from the bill.

Instead of the revenues from this Act going $\frac{1}{2}$ to the General Fund of the state; and $\frac{1}{2}$ to the counties, the bill as it is now written provides that $\frac{1}{2}$ of the revenues shall go to the General Fund of the State and $\frac{1}{2}$ to the Emergency Relief Fund.

SPANGLER.

On motion of Spangler, duly seconded, the report was adopted by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Bal-lard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chap-man, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Find-later, Fitzstephens, Fowler, Freed, Freudenstein, Grabow, Green (Daw-son), Groene (Fergus), Hagerty, Harlen, Harrington, Hilger, Holecek, Jen-sen, Knowles, Kruse, Kuhl, Larsen, Logan, Lott, Love, McCarvel, McDer-mott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pil-geram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Shannon, Somer-ville, Spangler, Sparring, Stephens (McCone), Stevens (Wheatland), Stie-fel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 93.

Noes: Goodwin. Total 1.

Absent and not voting: Blankenbaker, Givens, Haight, Lewis, Setzer, Snidow, Watson (Meagher). Total 7.

The Speaker: Ninety-three have voted "aye"; one has voted "no"; the report of the Conference Committee on Substituted House Bill No. 30.

MOTIONS AND RESOLUTIONS

It was moved by Rognlien, duly seconded and carried, that the Senate Committee on Taxation and the President of the Senate be invited to meet with the House Committee on Revenue and Taxation and the Speaker of the House to confer with each other and the Governor, on the revenues of the state.

It was moved by Holecek, duly seconded and carried, that the House reconsider its action taken in adopting the report of the Committee of the Whole with relation to Senate amendments to House Bill No. 46.

It was moved by Holecek, duly seconded, that the House concur in Senate amendments to House Bill No. 46 and the same were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Shannon, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 91.

Noes: None.

Absent and not voting: Blankenbaker, Doe, Givens, McElwain, Roll, Setzer, Snidow, Spangler, Watson (Meagher). Total 9.

The following passed their vote: Knowles. Total 1.

The Speaker: Ninety-one have voted "aye"; none have voted "no"; Senate amendments to House Bill No. 46 were concurred in by the House.

The Speaker designated Freudenstein, Harlen and Roll to act as conference committee with like Senate committee on House Bill No. 12.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

January 10, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read three several times and concurred in as amended, title and history agreed to, and bills are herewith returned to the House for concurrence in Senate amendments.

H. B. No. 28, by Replogle.

H. B. No. 42, by Knowles.

H. B. No. 65, by Beadle and O'Connell.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 10, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Judiciary: That H. B. No. 65 be amended by striking out of the engrossed bill, Sections 2, 3, 4 and 5, and by renumbering the following sections accordingly;

And as so amended, be concurred in, report adopted.

Committee on Enrolling: That S. B. No. 6 has been correctly enrolled and duly verified.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 10, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 28 be amended in Section 1 by striking out of engrossed bill, the words: "one cent", and inserting in lieu thereof the words: "one quarter of one cent";

And as so amended, recommend same be concurred in.

That H. B. No. 65 be concurred in.

That H. B. No. 42 be amended in the title, in line 2, printed bill, by inserting after the first word "for" in said line the words: "the deaf and dumb asylum otherwise named by statute";

Also in Section 1, line 3, before the word "Montana" the same amendment;

And also line 4 of Section 8, the same amendment before the word "Montana" in said line;

And as so amended, recommend same be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 10, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 42 be amended, as per the attached, and as so amended, be concurred in.

Report adopted.

Respectfully,

C. J. McALLISTER,

Secretary of the Senate.

Senate Committee of the Whole amendments to H. B. No. 42.

Amend in Section 1, line 2, printed bill, by inserting after the word "buildings" the words "at Great Falls, Montana,"; and in line 3 by striking out the words "at Boulder, Montana"; and inserting a comma after the word "blind."

Amend in Section 2 by striking out in lines 2 and 3, printed bill, after the word "of" the words and figures, "one hundred seventy-five thousand (\$175,000.00) dollars," and inserting in lieu thereof the words and figures, "two hundred and twenty-five thousand (\$225,000.00) dollars."

Amend in Section 2 by inserting after the word "buildings" in line 4, printed bill, the following: "and remodeling and repairing the buildings now occupied by the deaf and blind at Boulder, Montana."

Amend in Section 2 by adding in line 34, engrossed bill, after the word "buildings" the words: "and by all the income and interest derived from the land grant made by the United States to the State of Montana for the establishment of a deaf and dumb asylum for the State of Montana, under Section 17 of the Enabling Act of Congress, approved February 22, 1889, entitled "an Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states."

Amend in Section 5 by adding in line 6, engrossed bill, after the word "board" and before the word "such" the following words: "and of all the income and interest derived from the land grant made by the United States to the State of Montana for the establishment of a deaf and dumb asylum for the State of Montana, under Section 17 of the Enabling Act of Congress, approved February 22, 1889, entitled: 'An Act to provide for the division of Dakota into two states and to enable the people of North Dakota South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states.'"

Amend in the title by inserting after the word "buildings" the words, "at Great Falls, Montana", and by striking out in line 3, printed bill, the words, "at Boulder, Montana."

Amend in the title by adding in line 9, engrossed bill, after the word "buildings" the words, "and by all the income and interest derived from the land grant made by the United States to the State of Montana for the establishment of a deaf and dumb asylum for the State of Montana, under Section 17 of the Enabling Act of Congress, approved February 22, 1889, entitled: 'An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states';"

REPORTS OF STANDING COMMITTEES

January 10, 1934.

Mr. Speaker: We, your Committee on Federal Relations having had under consideration Senate Joint Memorial No. 6, entitled:

"A Joint Memorial addressed to the President and the Congress of the United States, requesting the allocation of money appropriated by the Congress of the United States for the Civil Works Service Commission—Art Division—acting under the public works division of the N. R. A. of the United States government, with which to build a suitable memorial in the city of Great Falls, Montana, in commemoration of the artistic works of Charles M. Russell, of Montana, the noted cowboy artist."

Respectfully report as follows:

That Senate Joint Memorial No. 6 be printed and placed on general orders without recommendation.

CUSKER, Chairman.

On motion of Cusker, report adopted.

January 10, 1934.

Mr. Speaker: We, your Committee on Federal Relations having had under consideration Senate Joint Memorial No. 7, entitled:

"A Memorial memorializing the Congress of the United States for a grant of lands for public buildings at the capitol of the state, in addition to grants heretofore made for that purpose."

Respectfully report as follows: That Senate Joint Memorial No. 7 be printed and placed on General Orders without recommendation.

CUSKER, Chairman.

On motion of Cusker, report adopted.

January 10, 1934.

Mr. Speaker: We, your Committee on Judiciary having had under consideration Senate Bill No. 3 entitled:

"An Act providing that in certain actions no writ of attachment shall be issued and levied upon or against certain wages and earnings of the debtor or defendant for his personal services rendered within a certain time, and providing that such wages and earnings are exempt from attachment."

Respectfully report as follows: That Senate Bill No. 3 be concurred in.

REPLOGLE, Chairman.

On motion of Replogle, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Beadle, duly seconded and carried, that the Speaker of the House appoint a committee of three to get in touch with Mr. Spaulding to try and arrange to help the delegation from Yellowstone.

It was moved by Besancon, duly seconded and carried, that the report of the committee appointed to investigate the banking department be considered first on Special Order of Business.

SPECIAL ORDER OF BUSINESS

REPORT OF COMMITTEE INVESTIGATING STATE BANKING DEPARTMENT

We, your committee appointed to make a general investigation of the State Banking Department, herewith make the following report:

We have not had time to make a thorough examination for the reason that some members of the committee were engaged on other investigating committees which took most of their available time, and it was not thought advisable for only a part of the Committee to engage in an exhaustive investigation.

Some alleged irregularities have been reported to the committee by letters but have not been substantiated by any evidence. No complainants have appeared before the committee in person to submit oral testimony nor have they furnished any documentary evidence in support of any charges of irregularity. If any of the charges had any foundation in fact, evidence should have been submitted.

We find that the Bank Examiner and one of his deputies have made trips to Salt Lake City to investigate the affairs of the Western Loan and Building Association. Citizens of Montana have investments in this concern of over five million dollars and we think it was most proper that the Banking Department should have done everything in its power to safeguard these investments. This could only be done of course by having a representative on the ground. The Superintendent of Banks would have been open to justified criticism and censure if he had not done so. We approve of his action.

We think it will interest the members of the Assembly to know the method of handling banks in liquidation under the Banking Act adopted by the 1927 Legislature. Upon the request of the committee, an outline of the procedure has been prepared and we submit it herewith.

From the examination of the reports of two closed banks about which there was suggested some possible irregularity, it was found that the procedure had was as outlined in the attached statement.

Respectfully submitted,

FREUDENSTEIN,
RALSTON,
ROGNLIEN,
MARSHALL,
FINDLATER,
Members of the Committee.

LIQUIDATIONS OF BANKS BY STATE BANKING DEPARTMENT

The Banking Act of 1927 transferred to the State Banking Department the duty of liquidating state banks which failed after the passage of the Act and also provided that state banks in receivership under the supervision of district courts might be transferred to the department. Since the enactment of this law the department has handled the liquidation of forty-five banks, of which three have been completed, two will be completed within sixty days, with the remaining forty still in process of liquidation.

In order to comply with the provisions of law relative to liquidation of banks, it was found advisable by the department to radically change the system formerly in use and to establish a central liquidation department in the office of the Superintendent of Banks, headed by a Chief General Liquidating Agent and clerical help, as well as the appointment of a central firm of attorneys located in Helena. The important matters in connection with the liquidation of banks have been handled by the department in the following manner:

GENERAL LIQUIDATING AGENT AND ASSISTANTS

The records of the department indicate that a General Liquidating Agent has been appointed by each Superintendent of Banks since the enactment of the 1927 banking law, such liquidating agent at times being paid only a small amount from the liquidation department, his time being divided between that work and his work as an examiner in the banking department. At the present time the General Liquidating Agent is S. L. Kleve, whose salary is \$300 per month, the amount allowed under the provisions of the banking act. He employs one assistant, whose time is divided between his duties in the department and the liquidation of the Banking Corporation of Montana, and whose salary of \$200 per month is divided equally between the two. In addition there are one clerk and one stenographer, whose salaries are \$125 each. The expense of handling the central office, including the salaries of the General Liquidating Agent, his assistant, clerks and stenographers, is divided pro rata according to the amount of assets, among the various banks being liquidated by the department, all of which is in pursuance of the provisions of the state law.

LIQUIDATING AGENTS

Liquidating agents are appointed by the department and their salaries are approved by the district courts, none of the salaries having exceeded \$200 per month. In some instances, it has been found possible to consolidate the liquidation of several banks under one liquidating agent, thus creating a big saving to the depositors of the banks without in any way affecting the efficiency of the liquidation. All liquidating agents are bonded.

ATTORNEYS

In order to facilitate the handling of legal matters pertaining to the various liquidations, the department found it advisable to appoint one firm of attorneys in Helena to do the work for most of the banks in liquidation. The salary paid this firm of attorneys has never exceeded \$490 per month for regular work, and some months has been as low as \$350, the cost being apportioned among the various banks. In a few instances extra attorneys' fees have been paid covering special cases, all of these fees being approved by the various district courts in the districts in which the banks were located.

COLLECTION OF STOCKHOLDERS' LIABILITY

The department has followed the practice of collecting stockholders' liability as soon as possible after the closing of the bank, or as soon as it has been determined that the assets of the bank are not sufficient to pay the liability. In some instances the collection of stockholders' liability has run as high as 94%. No stockholder's liability is compromised except with approval of the court. In numerous instances the department has taken judgment against stockholders but has attempted to obtain such judgments by confession rather than through suits wherever possible. The records of the department indicate that stockholders' liability has not been allowed to outlaw in the three years period but has been collected, compromised, or put into judgment within that period.

SALE OF ASSETS AND COMPROMISES

Sales of assets or compromise settlements with debtors of the bank have been handled by petitioning the court for approval and obtaining the court approval before such settlements or sales are made. The department has followed the practice of obtaining court approval to sales to

the highest bidder rather than definite sales to the person making offers, thus giving an opportunity to interested parties to come in and raise the bids, which practice has resulted in receiving larger bids in several instances.

EXPENSES

The department's records indicate that expenses have been maintained at a minimum in the various liquidations and that such expenses are reported in detail to the district court by reports made annually or oftener by the General Liquidating Agent. In comparing the expense of liquidation of banks under the banking department with reports of receiverships handled by individual receivers, it is evident the liquidation by the department is being handled more economically.

HANDLING OF FUNDS

Funds collected by liquidating agents are deposited in the name of the Superintendent of Banks and are disbursed by the General Liquidating Agent only. Dividend payments are also handled through the central office at Helena, all of which makes a saving in clerical expense in the various trusts. The funds are deposited in either state or national banks, and in state banks constitute a preferred claim, and in national banks are secured by collateral. The department has suffered no loss of funds of closed banks.

RALSTON.

It was moved by Ralston, duly seconded, that the report be adopted.

On substitute motion, it was moved by Pierson, duly seconded and carried, that the report of the committee be accepted and placed on file and the committee be discharged.

January 11, 1934.

Mr. Speaker: We, your committee appointed to investigate the capitol building and repairs on said capitol building, beg leave to report as follows:

1. That the Federal Government has granted to the State of Montana the sum of One Hundred Seventy-six Thousand Three Hundred Eighty-nine and no/100 Dollars (\$176,389.00); and that the State of Montana is appropriating a very small sum in proportion to the actual cost of the repairs on the capitol building; and we find

That the actual repairs being made are as follows:

Repainting entire capitol	\$ 29,000.00
Concrete and cement	19,800.00
Mason work and granite	59,000.00
Brick work and sandstone	6,910.00
Electric	18,320.00
Plastering	2,100.00
Elevators	13,000.00
Marble and tile	9,070.00
Carpenter work	13,650.00
Glazing	2,700.00
Sheet Metal	14,900.00
Heating, plumbing and ventilators	23,900.00
Total	<u>\$228,350.00</u>

2. That the State Engineers estimate will not be sufficient to complete the work due to the following reasons:

(a) The capitol building is nearly thirty-five years old and very little repair work has been done prior to this time.

(b) In repairing the old part of the building many unforeseen difficulties have been encountered which are going to cause added expense and delay.

Therefore we recommend that some of the projects listed above be not started until the C. W. A. engineers are certain they will have sufficient funds to complete the program of construction and repairs, and that said program will require the greatest amount of labor with the least cost of materials, and, in their opinion, will include those repairs that are the most necessary for the good and betterment of the capitol building.

For example, we cite the main floor in the old portion of the building, which is not in the State Engineer's estimate, and which has been condemned by the government engineers as being unsafe and endangering to life and property. This is a very grave condition and we believe that, to the best of our knowledge, it should be remedied immediately.

(1) The sworn testimony of the C. W. A. engineers taken by your committee is to the effect that approximately \$29,000 has been lost due to the lack of coordination of the C. W. A. and state authorities.

Therefore we further recommend that the closest co-operation between the C. W. A. and state authority is not only highly desirable but must prevail in order to give the people of Montana the results that they are entitled to expect from the expenditure of this money. We reach this conclusion because of the fact that this work must be completed by February 15th, 1934.

Through our investigation, we have found that the C. W. A. maintain a purchasing department under government regulation, and that this department is handling purchases so as to keep the men at work and the costs of materials and supplies as low as possible. The C. W. A. office is functioning and keeping close check on purchases and moneys expended in order to protect possible overdrafts of appropriation of Federal and state funds. The engineering department of the C. W. A. is willing at all times to co-operate in matter of design, materials and selection of work which can be completed within the allocated time and within the appropriated funds. The C. W. A. is spending considerable money and we believe they are entitled to the closest co-operation that possibly can be given them by our State Supervising Architect.

(2) Your committee, through its investigation has brought out the necessity of co-operation and organization, and due to our efforts a new set-up has been adopted by the State Board of Examiners, the C. W. A. and the State Supervising Architect, which is dependent entirely upon the passage of the appropriation from the State of Montana for materials only in conformance with the request of the Federal Government.

Therefore, we, your committee, recommend immediate consideration by the members of the Legislature be given to an appropriation measure for this work, in order not to delay same. Further, the C. W. A. allotment for materials is practically exhausted. The allotment for materials of \$176,389.00 has, to date, been disbursed as follows:

Materials	\$ 35,365.00
Labor	58,000.00
Total	\$ 93,465.00
Balance	\$ 82,924.00

(3) Therefore, we, your committee, further recommends that the project for the driveway through the lawn to the front entrance and the new elevators be postponed until the Federal Engineers deem that they have

sufficient funds to buy materials to complete projects already started, which will require more man hours, and in their opinion, are the more necessary and urgent in order to make the proper repairs on the state capitol building.

HAIGHT,
ROLL,
DOE,
WATSON of Meagher,
GROENE,

It was moved by Haight, duly seconded, that the report be adopted.

On substitute motion, it was moved by Pierson, duly seconded, that the report of the committee be accepted, and placed on file. Motion was lost.

Whereupon motion by Haight carried.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that further hearing of Special Order of Business be continued until 2:00 o'clock P. M.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

SPECIAL ORDER OF BUSINESS

It was moved by Besancon, duly seconded, that the House go into executive session under House Rule No. 59.

In substitute motion, it was moved by Groene, duly seconded and carried, that both committee reports on special order of business be read and action on the same be deferred until tomorrow afternoon at 2:00 o'clock P. M. and that mimeographed copies be placed on the desks of the members.

It was moved by Besancon, duly seconded and carried, that the report of the committee of which Mr. Haight is Chairman be read first.

The Speaker designated Beadle of Silver Bow, Fowler of Yellowstone and Watson of Missoula to act as committee to confer with Mr. Spaulding under motion made this morning.

The following reports were read, under motion by Groene, action on same being deferred until tomorrow afternoon at 2:00 o'clock.

January 11, 1934.

Mr. Speaker: We, your committee, pursuant to an order by the House, has made as complete an investigation as the limited time at its disposal would permit of the work done during the past summer and autumn upon the stained glass and dome of the state capitol, and beg to submit the following report:

According to the evidence presented to your committee, on or about June 5th, 1933, one K. E. Von Zimmer, also called Zimmer, a resident of the state of Idaho, interviewed certain members of the State Board of Examiners, represented himself to be a stain glass expert and suggested that the stain glass in the capitol was greatly in need of repairs. He was thereupon introduced to J. E. Mushback, capitol custodian, with whom

he made an inspection of the glass alleged to be in need of repairs. Shortly thereafter, Zimmer, held a conference with two members of the Board of Examiners, to-wit: Governor F. H. Cooney and Secretary of State Sam Mitchell, and submitted to them a contract which he himself had prepared and which is as follows:

AGREEMENT

To the attention of the board.

Governor Cooney,
Secretary of State Mitchell,
Attorney General Nagel.

Made this 7th day of June, 1933, between MONTANA STAINED LEADED GLASS COMPANY, and THE STATE OF MONTANA for the repairs of stained glass on capitol building in Helena.

We hereby propose to make the following repairs and replacements:

Replace all broken out stained glass.

Recement all cracked stained glass, restraighten, re-support all stained glass, refill and resoder all broken lead calms pains and cresote all wooden frames, repair all skylights and water-proof same over stained glass domes, also the replacing of new wired centered glass in dome, same to be set in cement, and all leaded glass to be reset in corking.

This work is to be started on or about June 12, 1933. All work to be approved by the board before final settlement, the cost of the above described work will be at the rate of \$1.25 per hour, per man plus the cost of the material used (less 17% of material). We hereby resumed all responsibility in regard to injuries or accidents to workmen and property damages.

Signed:

K. E. ZIMMER, Pres.
F. H. COONEY,
SAM W. MITCHELL.

This contract, or agreement, was signed by the Governor and the Secretary of State without any consultation with the Attorney General or any of the latter's assistants to determine its legality and is plainly in violation of Chapter 149, Session Laws of 1927, which provides that no contract shall be entered into by the state which calls for an expenditure in excess of \$500 without advertisements for bids. Although this law is so specific in its provisions as to admit of no misinterpretation, the two members of the Board of Examiners hereinbefore referred to were still further fortified against any ignorance of its existence and intent by the advice of Mr. Fitzsimmons, secretary of the board, who advised them of the illegal nature of the act which they were about to perform. The evidence discloses that Governor Cooney and Secretary Mitchell disregarded the admonition of Secretary Fitzsimmons and signed this illegal agreement with full knowledge of its terms and with no regard for a law which they are sworn to uphold.

The evidence discloses that shortly after the present Governor assumed office, the statutory duties of the capitol custodian were abrogated by executive order and the Secretary of State Sam Mitchell, was designated as Superintendent of Public Buildings and Grounds and that he was advised that Governor Cooney would approve and support any action taken by him in his capacity as said superintendent.

In accordance with the terms of his contract, Zimmer proceeded to move in equipment, purchase materials and assemble a force of men for the work to be done. Although, under the law, this work should have been

under the supervision of the Capitol Custodian, that official was not consulted in any manner until, as will be related later, he was requested, or rather ordered, to approve claims the validity of which he had no knowledge and the approval of which he held would subject him to a proper charge of perjury.

Upon his return from an official trip outside of the state, the third member of the Board of Examiners, Attorney General Nagle made two separate attempts to stop the work but each time, Secretary of State Mitchell, supported by Governor Cooney, ordered its resumption. The pay roll checks were made out to Zimmer, or Von Zimmer, who paid the men in his employ but portions of the amounts so received, retaining the balance for himself.

Custodian Mushback approved some of the claims for labor but later refused to do so on the ground that he was unable truthfully to swear to their correctness. This refusal on the part of the Custodian led to a quarrel between him and the Secretary of State and the Governor which, in turn, resulted in the Custodian's summary dismissal by the Governor.

The present Custodian, Mr. Small, was thereupon appointed and proceeded to approve all bills alleged to have been incurred under the terms of the contract until halted by the Attorney General. There is nothing in the record to disclose that Custodian Small had any greater knowledge of the work being done or of the manner in which it was being performed than had his predecessor, Custodian Mushback. The committee therefore assumes that Custodian Small was not so punctilious in the matter of avoiding even the appearance of perjury as was the man whom he succeeded.

While the work was in progress, the evidence shows that the contractor, Zimmer, was in sole charge of all purchases. Neither Governor Cooney nor Secretary of State Mitchell checked over the items purchased and so were in no position to determine whether or not all of the materials were actually used in, upon or about the capitol. The evidence further discloses that the prices charged the state for various items was as much as two hundred and even three hundred per cent greater than the prices paid for them by the contractor. This clearly indicates an amazing neglect of duty on the part of the two officials who signed the contract for and on behalf of the state.

According to the testimony of Zimmer, or Von Zimmer, which is substantiated by examination of various claims and invoices, he was able to charge the state any prices he might desire for the materials used in the repairs just so long as he deducted seventeen per cent from the face of his bills. None of these materials were purchased by the State Purchasing Agent which constituted another direct violation of law.

When Claim No. 582498 in the amount of \$2,219.88 was presented to Custodian Small, that official, at the instance of Secretary of State Sam Mitchell, approved same, whereupon Mitchell also approved the claim which was then taken to Governor Cooney who affixed his signature of approval.

This Claim No. 582498 has never been paid for the reason that Attorney General Nagle gave an option declaring it not a lawful charge against the state. The opinion of the Attorney General is as follows:

September 16, 1933.

Honorable John J. Holmes,
State Auditor,
Helena, Montana.

Dear Sir:

With reference to Claim No. 582498, in the sum of \$2,219.88, filed by Montana Stained Glass Company, please be advised that this claim was

transmitted to your office without my signature, without my consent, and without my knowledge. After it had been transmitted I received the information that it had been sent to you.

The facts, as outlined in your request and as supplemented by my own knowledge, are as follows:

The claim is for materials presumably used on the capitol dome, sky-lights, portions of the roof and one or two smaller jobs. The amount exceeds \$500 on each of the major projects. There is no contract for any of the work, excepting repairing stained glass and skylights, in which instance a contract executed by two members of the board is on file in the office of the Board of Examiners. This contract fixed no specified amount, but provides for payment of materials at 17% under "list" price.

The Montana Stained Glass Company, does not appear from the records of the office of the Secretary of State to be a corporation, but is a name under which one Elwood Von Zimmer is doing business. Elwood Von Zimmer, who signed the claim as the manager of Montana Stained Glass Company, is the same person as K. E. Zimmer who signed the contract for the stained glass work in the sky-lights, and who appears on the payroll for a number of weeks work as foreman on all the work above mentioned.

The approving stamp of the custodian does not designate against what account the claim is to be charged but pasted to the claim is a slip of paper bearing the inscription "other operations No. 5473." A notation near this slip asserts that the claim was submitted by the claimant with that notation attached.

Chapter 149, Laws 1927, provide that no contract shall be made by the Board of Examiners, or any state officers, for the repairs or alterations or improvement of any building in excess of \$500, except upon advertisement and competitive bids. It further provides that any contract which directly or indirectly recognizes the cost plus system shall be invalid.

The claim does not disclose the exact purpose for which the material was used. Assuming, however, that the projects might be so subdivided that the claim could be reduced to separate jobs of less than \$500 each, then Chapter 66, Laws of 1923, as amended, would apply. This chapter provides that the Purchasing Agent shall purchase all articles required by the institutions, boards and departments of the state. Such purchases shall be made by means of bids.

The chapter further provides that no person in the employ of the State of Montana in any capacity whatsoever shall directly, or by any other person for his use, enjoy the benefits of any contract under said act.

By reason of the law stated and under the facts recited it is my opinion the claim is illegal.

As to the other point mentioned in your request as to what is the proper fund "Capitol and Repairs" or "Other Operations," since the claim is illegal it becomes unnecessary to consider this question.

Respectfully,

(Signed) RAYMOND T. NAGLE,
Attorney General.

Your committee finds that in March, 1932, almost seven hundred dollars were spent in repairs upon the dome and no substantial testimony was adduced to prove that the repairs begun under the Von Zimmer contract were necessary. Despite this fact, almost seven thousand dollars in claims had been accumulated under this contract when the work was stopped at

the instance of Attorney General Nagle. The work is now being done over under the direction of the Civil Works Administration and so far as your committee is able to determine, the work done under the Von Zimmer contract was of little or no value to the state and the money so spent was largely wasted.

Your committee, after carefully summing up the rather voluminous mass of testimony taken and fairly considering all of the facts relating to this entire transaction, finds that it was inaugurated and carried along until halted with a callous disregard of law and with no serious attempt on the part of the Governor and Secretary of State to observe the ordinary rules and practices of good business or common sense. Your committee has been unable to discover when or by whom Von Zimmer was ever given any authority to paint the dome of the capitol and if this extraordinary action was necessary, the original color could have been restored as well as the color used.

HAIGHT,
DOE,
ROLL,
WATSON (of Meagher),
GROENE.

The following facts should be especially notes:

1. Testimony shows that Von Zimmer was not, at the time of his employment a resident of the State of Montana, and that no bond was required of him and that no inquiry was made as to his reliability or responsibility.

2. None of the materials used by Von Zimmer were purchased through the State Purchasing Agent.

3. No check of any kind was made of the amount of the materials bought by Von Zimmer.

4. The price Von Zimmer charged the state was greater than that he paid, sometimes by as much as 300%.

5. That contract signed with Von Zimmer was clearly in violation of the law providing that no contract for an amount in excess of \$500 may be let without bids.

6. Materials were used in this repair work which it is apparent should be paid for if it can be ascertained in what amounts and to whom these payments should be made. The committee has not this information.

7. The contract between the board and Von Zimmer was signed after a discussion of it between Von Zimmer, Mr. Mitchell and Governor Cooney and after Mr. Fitzsimmons had stated it seemed a plain violation of law. The testimony of Mr. Mitchell, Mr. Fitzsimmons and Von Zimmer is that this contract was signed immediately after a full discussion on the part of the board. Governor Conney's testimony is as follows, regarding the contract:

"I do not remember signing the contract or a word about it."

8. While the committee has inquired diligently and examined many witnesses it feels that it has failed to uncover all the facts regarding the so-called capitol dome job.

Signed:
HAIGHT, Chairman.
WATSON (of Meagher),
ROLL,
DOE,
GROENE.

REPORT OF SPECIAL COMMITTEE

Mr. Speaker: On December 22, 1933, by order of this House, your committee was duly created and established. It was directed to investigate the overdrafts and excessive expenditures in the various departments of state offices, commissions and institutions and to investigate all the various activities of the State Board of Examiners as to expenditures, contracts, etc. It was further directed to investigate the separate offices of the members of the State Board of Examiners and to subpoena such witnesses as should be necessary, administer oaths, and report its findings and recommendations to the House.

Pursuant to this direction your committee has used all its efforts and time, at its disposal, to carry out the expressed will of the House and a great number of witnesses have been examined and the testimony taken comprises approximately five hundred pages, exclusive of exhibits. It is, of course, impossible to carry all of this evidence in this report, but the complete file of evidence and exhibits accompanies this report and is to be considered a part hereof, although not read at this time.

Your committee entered upon its duties with open mind and a sincere appreciation of the obligations imposed upon it by this House. This open mind has been maintained throughout.

We have held our meetings in a committee room of this House, but no member of this House who requested permission has ever been refused an opportunity to sit in at any time. Reference has been made to this committee as a secret one, but your committee has always felt that it would be unwise to invite the general public to hear the evidence presented before it, as it could only injure the state offices which are under consideration and could do no possible good. Your committee has never received a request from anyone to have it consider any particular witness or any particular evidence. Your committee has worked day and night and we can assure you that it is far from a pleasurable duty to serve upon any such committee.

However, as members of this body, we were, and still are, under solemn and binding obligations to the State of Montana and its citizens, and as members of the committee we have a duty to perform regardless of consequences. This we have attempted to do in the best way we know how. It is true that the shortness of time and the lack of sufficient funds for expense has curtailed our investigation, but we believe we have covered most of the subjects with reference to which this House directed us. In view of the great number of rumors circulating, your committee has diligently inquired and has found that many of them are entirely false and without any foundation whatever, others are amply supported by the evidence.

In adopting our findings we have given every opportunity to explain, and every finding made is amply corroborated in the testimony.

PURCHASES AND SALES

Section 284-293 inclusive, Revised Codes of Montana 1921, created the office of State Purchasing Agent and prescribed his duties. Chapter 66, Laws of Montana 1923, amending the former enactment, in part, specifically provides in Section 5 thereof, "unless otherwise provided by law, the State Purchasing Agent shall have exclusive power, subject to consent and approval of the Governor, to let to the lowest bidders and enter into contracts of all supplies—and other articles required by the Legislative Assembly, and all other offices, departments, boards, commissions and institutions of the state." Section 10 of this Act provides that in making awards after public calls for bids, no partiality or favoritism shall be shown, except that where both the bids and quality are the same, pre-

ference may be given to Montana residents. The evidence discloses that during the summer of 1933 bids were called for the purchase of a quantity of sugar for the state institutions. The lowest bid was not considered, the bidding sheet in the State Purchasing Department showing that no consideration to the lowest bid was given by order of the Governor. It is true that in this case the difference between the low bid and the one accepted was very small.

Again in the summer of 1933 bids were called for the purchase of a quantity of dried fruits for the state institutions. Here, samples were submitted. By direction of the Governor, the Purchasing Agent accepted the highest bid, although it represented a purchase price in excess of \$300.00 over the lowest bid.

The State Board of Examiners, under the provisions of the Liquor Control Act, constitute the Liquor Control Board of the state, and, as such, they have purchased large quantities of supplies for the liquor stores already set up. With more stores to be put into operation, their purchases will gradually grow larger and larger.

The Liquor Control Act does not, in any specific terms dispense with the services of the State Purchasing Agent, nor with the legal requirements that contracts be let to the lowest responsible bidder. While this committee admits a legal question as to whether or not the language of the Liquor Control Act impliedly repeals portions of the acts with reference to the State Purchasing Agent, still, we cannot believe that it was the intent of this Legislature to throw down all bars and permit purchases of liquors and other supplies and equipment without competitive bidding, or, without the supervision of the State Purchasing Agent. The evidence shows that no bids have been called for, and the Purchasing Agent has never been consulted except with reference to printing. Further than this, it would seem to us that good business judgment should dictate every precaution on the part of the board, and that they should call for bids and accept the lowest responsible bidder. Your committee recommends due consideration of this by the board, and recommends that the Attorney General of the state institute a test case to determine what the law is in this particular.

INVESTIGATION OF THE APPROPRIATIONS OF VARIOUS BOARDS AND COMMISSIONS AND INSTITUTIONS

Your committee finds the disposition on the part of the Board of Examiners to maintain salaries at the former level, irrespective of reduced appropriations. We find, in many instances, they have disregarded the will of the last Legislature to reduce expenditures of the state government.

Our findings are based upon evidence that has been presented before this committee and not only by the departments involved, but by the testimony of Governor Cooney and Mr. Mitchell, who are two members of the Board of Examiners.

Further, as a matter of record, when the Commission of State Lands and Investments, Mr. Brandjord, set up a reduced salary schedule, which would have enabled him to live within his allotted appropriation, the Board of Land Commissioners, composed of the Governor, the Secretary of State, the Attorney General, the Superintendent of Public Instruction, on June 30th, 1933, by motion entered in their minutes, directed, "that these salaries remain unchanged" and that the Board of Examiners on July 29, 1933, considered and approved such salary schedule.

Further, that we find in the Department of Agriculture, particularly in the Scale Department, were men selected for positions in this department other than by the Commissioner of Agriculture and placed upon

the payroll at arbitrary salaries set by the Governor. We find that men were placed on the payroll at \$75.00 and expenses for the first month, raised to \$90.00 the second month and \$100.00 for the third month, and the \$100.00 salary was maintained until the work was terminated. We find that the State Board of Examiners have authorized the payment of one month's salary to three men when they had no work to perform. In other words, these men should have been discharged and a saving made to the State of Montana.

Mr. Mitchell of the State Board of Examiners, when the matter of reducing salaries was taken up with him said: "There will be no reduction in salaries." Heretofore, this department has always made a saving from the fees collected in the Scale Testing Department which was used to supplement appropriations for other departments. Due to the interference of other members of the Board of Examiners, we find that all of the fees collected by this department have been exhausted and there remains no money to supplement the appropriations for other sections of this department.

Attached is a true copy of a letter from Mrs. Ives, Superintendent of Girls Vocational School which is self explanatory. In other words, this institution will live within the appropriation given to it at the last session of this Legislature.

Attached is a letter from the State Treasurer which is self explanatory which says that this department will live within its appropriation.

Attached is a letter from the Secretary of State which is self explanatory which says that this department will live within its appropriations.

Attached is a letter from the State Auditor which is self explanatory which says that this department will live within its appropriation.

We find that the appropriations made for the Attorney General's Department will not be sufficient in a small amount, and will be necessary for him to ask the next Legislature for a small deficiency appropriation.

The Board of Examiners of this state are charged with the authority by the status to act as a co-ordinator and approving body between the departments, commissions and institutions of this state, and the State Treasurer, and if they assume an attitude of indifference towards excessive expenditures, the result will be that the appropriations set up by the last Legislative Assembly will be exceeded and will be one of the causes for a large overdraft in the Treasury of this state. We censure such actions of the Board of Examiners who have shown utter disregard of the appropriations set up by the last Legislative Assembly. We deem it their duty to limit the expenditures of this state to come within the appropriations and carry out the will of the Twenty-third Legislative Assembly.

STATE OF MONTANA VOCATIONAL SCHOOL FOR GIRLS

Helena, Montana, January 3, 1934.

Mr. Ray Shannon,
Chairman, Appropriations Committee,
House of Representatives,
State of Montana,
Helena, Montana.

My dear Mr. Shannon:

On December 15th, I wrote Mr. Marshall, Chairman of the Sub-Committee on Ways and Means, that I did not think we could live within our appropriation.

Since then we have had time to go into our expenses and allowances more thoroughly and find that in the aggregate we can operate within our appropriations.

This, of course, bearing unforeseen contingencies.

Very truly yours,

LOLA B. IVES,
Superintendent.

MONTANA STATE TREASURY

Helena, Montana, January 6, 1934.

Mr. M. H. Marshall, Chairman,
Sub-Committee Ways and Means,
House of Representatives,
State Capitol.

Dear Sir:

The office of the State Treasurer will, at the end of the present biennial, be within the appropriation allowed.

Very truly yours,

JAMES J. BRETT,
State Treasurer.

STATE OF MONTANA

DEPARTMENT SECRETARY OF STATE

Helena, Montana, January 6, 1934.

Attention: Mr. M. C. Groene, Chairman.

To the Honorable Members of the Investigating Committee of the House of Representatives of the Special Session of the Twenty-third Legislative Assembly.

Gentlemen:

In compliance with your request of January 4th, 1934, I am writing you that I guarantee to run this department of the state's business at a cost not to exceed the appropriations made at the last regular session of your Honorable Body, unless unusual demands are made on this office, or in other words, unless the Legislature itself, loads unusual duties and expenses on to this department.

I promise this in spite of the fact that the last session made absolutely unreasonable cuts in the appropriations for this department considering the amount of work being continually loaded on to the department.

Trusting that this letter complies with your wishes, I am

Yours respectfully,

SAM W. MITCHELL,
Secretary of State.

THE STATE OF MONTANA
STATE AUDITOR'S OFFICE

Helena, Montana, January 10, 1934.

Hon. Merle C. Groene, Chairman,
Special House Committee of Seven,
House of Representatives,
State House,
Helena, Montana.

Dear Sir:

This is to advise that the salaries and operative costs of the State Auditor's Office have been so adjusted, as to cause the cost of the office to be within the limit of the appropriations made by the Twenty-third Legislative Assembly.

I wish to assure you that this office, and all the departments thereof, will remain within the limits of the appropriations made by the Twenty-third Legislative Assembly, unless unforeseen financial expenditures are occasioned by reason of the various departments becoming involved in litigation arising over the administration of the laws administered by the several departments.

Yours very truly,

JOHN J. HOLMES,
State Auditor and Commissioner of Insurance.

STATE OF MONTANA
DEPARTMENT OF STATE LANDS AND INVESTMENTS

Helena, Montana, July 24, 1933.

Mr. Wm. L. Fitzsimmons,
Clerk State Board of Examiners,
Helena, Montana.

Dear Mr. Fitzsimmons:

The payroll of the department of State Lands and Investments for the month of July, 1933, is submitted herewith. Please call this payroll to the special attention of the State Board of Examiners. At its meeting held June 30, 1933, the State Board of Land Commissioners had under consideration the matter of salaries for clerks and employees of this department for this fiscal year. Attention was then called to the fact that for the fiscal year terminating on that date and also for the previous fiscal year, the appropriation for the payment of help in this department, outside the field division and outside the salaries for the commissioner and the assistant commissioner, amounted to \$16,000.00; but that the appropriation for the same purpose for the fiscal year beginning July 1, 1933, is only \$11,740.00, a reduction of more than 26%. After consideration of this business, the State Board of Land Commissioners adopted a motion to the effect that the salaries for the present fiscal year should remain unchanged as it was realized that the salaries that had been paid were not too high.

Since that time the continued hot weather has worked deplorable damages to the crops throughout the state which to a great extent will mean the continued hard times for the farmers and producers throughout the state. It is probable that this deplorable fact should be taken into account in fixing salaries, and I doubt if it would be advisable to ignore entirely the reduction in salaries contemplated by the Legislative As-

sembly as shown in the appropriation for this department. I would therefore, suggest that as to salaries in this department, we meet the expressed will of the Legislative Assembly to a considerable extent.

The reduction in the appropriation for these salaries as aforesaid, amounts to more than 26%; the reduction represented by this payroll is just about 12½%. If accepted by you it will mean an overdraft in this appropriation of a little more than \$2,000.00 for the fiscal year. If we should follow the salary roll for the previous fiscal year without change, it would result in an overdraft of more than \$4,000.00 for the fiscal year.

The entire case is submitted for your consideration and decision.

Very respectfully,

(Signed) I. M. BRANDJORD,

IMB:FS

I. M. Brandjord, Commissioner.

EXTRACT OF THE MINUTES OF THE PROCEEDINGS OF THE
STATE BOARD OF LAND COMMISSIONERS FOR
JUNE 30, 1933.

13. Salaries in Department of State Lands and Investments for the fiscal year beginning July 1, 1933.

I. M. Brandjord, Commissioner of State Lands and Investments, submitted the following note relating to salaries in his department for the consideration of the board:

For the fiscal year terminating today, and also for the previous fiscal year, the appropriation for the payment of all help in this department, outside the field division and outside the salaries for the commissioner and assistant commissioner, amounted to \$16,000.00, and no extravagant salaries were paid. For the fiscal year beginning July 1, 1933, the appropriations for the same purpose is \$11,740.00, a reduction of more than 26 per cent. As you are aware, the appropriation for salaries for field men was entirely cut out with the exception of the appropriation for the chief field agent himself.

Since the enactment of Chapter 42 of the 1933 Session Laws which upsets the entire system of leasing lands for grazing purposes, the work has been unusually heavy. The lessees are dropping their leases obtained under former statutes and taking out new leases at the reduced rates. We have been buried and are buried in the work. If we should attempt to cut salaries so as to operate within the appropriation made, we would gradually lose some of our most efficient and most experienced help, and increased trouble would result in the administration of this department. What would you suggest.

It was moved by Mr. Mitchell, seconded and unanimously carried that these salaries remain unchanged.

I, I. M. Brandjord, Commissioner of State Lands and Investments and ex-officio secretary of the State Board of Land Commissioners of the State of Montana, do hereby certify that the foregoing is a true and accurate copy of the minutes of the proceedings of the State Board of Land Commissioners of June 30, 1933, in so far as the said proceedings relate to salaries in this department.

Dated at Helena, Montana this 9th day of January, 1934.

I. M. BRANDJORD,

(SEAL)

Commissioner of State Lands and Investments.

A special meeting of the Board of Examiners was held July 29th, 1933, at 9:10 A. M., with the following members present: Acting Governor Robert Pauline, Chairman, Attorney General Raymond T. Nagle and Secretary of State Sam W. Mitchell, Secretary.

The pay roll of I. M. Brandjord, Commissioner of State Lands, was specially considered and approved.

The State of Montana	} ss.
County of Lewis and Clark	

I, W. L. Fitzsimmons, Clerk of the State Board of Examiners certify that the above extract from the minutes from the State Board of Examiners with reference to the pay roll of I. M. Brandjord, Commissioner of State Lands, is a true and correct copy as shown by the minutes of the Board of Examiners.

W. L. FITZSIMMONS.

Subscribed and sworn to before me this 9th day of January, 1934.

(SEAL)

CLIFFORD L. WALKER,

Notary Public for the State of Montana, residing at Helena, Montana. My commission expires May 5, 1935.

MISCELLANEOUS

In the summer of 1933 a deputy inspector of weights and measures, while visiting Kalispell, Montana, inspected the Safeway Store at that point. He reported to his superior officer that packaged goods were short in weight although the scales were perfect. Returning in about a week he found the condition still unchanged. He requested his superior officer to accompany him and the manager of the Safeway Stores refusing to rectify the situation, complaint was filed against him in Justice Court at Kalispell and a warrant issued for his arrest. This happened on Saturday. On the succeeding Monday Governor Cooney called the superior officer and told him to dismiss the charge or quit his job. This man instead came to Helena and explained the situation to the Governor stating the violation of the law, but was told by the Governor to dismiss the case or lose his position, whereupon the County Attorney of Flathead County was directed to dismiss the case.

Under the evidence submitted to your committee there can be no question but the manager of the Safeway Stores at Kalispell was committing a crime, so we are confronted with an out and out interference by the Executive Head of our State Government with the Courts of Justice. In explanation the Governor told your committee that he did not think this state agent had a right to arrest on such a trivial matter, and later on stated that the inspector's authority was questionable. No denial was made by the Governor of the statement that he ordered the state agent to dismiss the complaint or lose his job.

Sections 4244-4246-4256-4262 Revised Codes of Montana, 1921, and Acts amendatory thereof, and the evidence submitted to your committee foreclose the proposition that any question arose over the good faith of the prosecution.

The Governor of Montana has authority to grant pardons after conviction, but he has no right to obstruct justice, in fact, it is his constitutional duty to see that the laws are enforced.

We condemn such interference by the Governor and find that he has acted in an unconstitutional and unlawful manner.

Your committee has had occasion to inquire into the possible interest of the Governor in state purchases and has devoted considerable time to ascertaining the truth in this connection. We give you here the facts that have been obtained.

The Cooney Brokerage Company is a Montana Corporation with principal place of business at Butte. It has a paid up stock of \$20,000.00 divided into 20,000 shares, with a par value of \$1.00 each. The testimony introduced does not show any present financial interest of the Governor in the company, he having transferred the balance of his stock ownership on May 15th in 1933. All stock, except 101 shares, is owned by his sons and daughters, and his son, John Cooney, is the President and Manager of the Company. In December 1933, the company resigned all of its liquor brokerage contracts as the director's thought the retention thereof might reflect upon the Governor's political career. The Governor is consulted, however, on business affairs on account of his long business experience. The large proportion of liquor purchased by the Liquor Control Board to date has been from the Glenmore Distillery, which the company formerly represented as broker, the present broker being Mr. Haines of Missoula.

TRAVEL AND EXPENSE CLAIMS OF THE GOVERNOR'S OFFICE

The records show many trips made by the Governor, several out of the state. According to the information given us the Governor has never complied with the law with respect to itemizing his claims and producing vouchers covering expenses. Chapter 108, Laws of Montana 1925, specifically provides that each officer putting in a claim shall in the booklet provided in each department itemize all expenses including automobile mileage, if any, and shall show therein what duty was performed each and every day. For years the State Board of Examiners has supplemented this statute by rules requiring each item of expense exceeding \$1.50 to be covered by a supporting voucher before the claim could be approved. So far as we have been able to ascertain none of the claims for expenses of the Governor attempt in any way to comply with the law and the rules of the board.

With reference to the expense claims of the Governor, reference herein is only made to two items, as illustrating the situation in that department:

1. The records show that during the summer of 1933 the Governor made a trip to San Francisco, California, on business pertaining to his office. The evidence shows that the trip could have been made by rail at a cost for transportation, including Pullman, at not exceeding \$110.00 instead of going by rail it appears that the trip was made by automobile. The claim made, approved, and paid by the state is No. 579554, warrant No. 14141 shows automobile mileage of 5604 miles at 7c per mile, or \$392.28. In addition to this the Governor's son drove the car entailing an additional expense of \$4.00 per day, or a total of \$92. The mileage from Helena to San Francisco and return is not in excess of 3200 miles by automobile. This expense account shows an expenditure of \$374.00 in excess of the expense necessary had the trip been made by rail. Chapter 16, Section 3, Laws of Montana 1933, provides "that in no case shall an automobile be used as herein provided if suitable transportation can be had by railroad." It would, therefore, appear that the claim filed and as allowed and paid was illegal in the sum of at least \$374.00. Furthermore, there are no supporting vouchers or explanation whatever as to the excessive mileage.

2. The records show a claim filed, approved, and paid in the sum of \$44.50 for room rent at the Placer Hotel for the Governor. The claim number is 570885 and the warrant number is 7940. When interviewed by your committee, the Governor advised that this represents his hotel bill while in Helena after he became Governor and while he was waiting until Governor Erickson moved out of the Governor's mansion. Section 129, Revised Codes of Montana, 1921, provides for the establishment of a residence for the Governor. It is perfectly true that Governor Cooney might not have been able to move into the mansion, but as your committee sees it, that does not concern the State of Montana and, in our opinion, the claim is wholly illegal and should have been adjusted between the parties concerned.

INSURANCE

New Insurance Contract

Your committee finds that in rewriting said fire insurance, the Board of Examiners did not make adequate investigation and analysis of the insurance offered. Proper advice and information was not sought or heeded, and apparently the unsupported selling talk of the Miller Insurance Agency caused the cancellation of old insurance and the taking of new policies. We find the following defects in the present insurance:

(1) Mutual Companies

When insurance is carried by mutual companies there is some question as to whether the state may be subject to assessment for excessive losses when sustained outside the state. No proper investigation was made as to financial strength of these companies. No "Form Policies" have been filed with the Insurance Commissioner as required by law.

(2) There was irregularity in making contracts with the Miller Insurance Agency, as follows: Proper time was not given for submission of bids. Chas. Miller was not a licensed agent authorized to represent other companies as required by law.

(3) Valuation of Buildings

There was a reduction in the insurance valuation of state property of \$2,692,294. We question whether the state buildings are adequately protected.

(4) Co-insurance

State insurance is now carried under ninety (90%) per cent Co-insurance. Under Co-insurance; policies must be carried at a percentage of the true appraised value, otherwise the full amount of losses cannot be recovered. The appraisal value was accepted by the insurance companies, with a later request for new appraisal. Cost for such appraisal according to the record must be borne by the state. This appraisal has not been made. The Attorney General requested that endorsements by the companies be attached to the contracts stipulating that the appraisals given were the sound values of the buildings and contents, neither the bond nor such endorsement has been given.

(5) Cost of Insurance

While the Board of Examiners apparently were told that the state was getting insurance at a lower cost, the facts show, as brought out by the Joint Committee investigating insurance as well as by our committee, that the State of Montana in its final analysis made no saving.

In the letting of casualty insurance no bids were called for. After protest, however, bids were called for to be opened June 10th. Evidence shows that on May 26th the Secretary of State, Sam Mitchell, called at

the Auditor's office with a claim of \$8,797.40 for insurance. On May 31st, Mr. Miller presented to the State Treasurer's office a state warrant in the amount of \$8,797.40 and received this amount in currency.

In order to receive payment for this insurance on May 31st, it was necessary for the Miller Insurance Company to deduct 1-12 of the total premium charged, as the insurance that was in force did not expire until July 1st. Therefore, the insurance bought from the Miller Agency was paid for in cash thirty days before it went into force.

Had a lower bid been submitted on June 10th when bids were opened, the State of Montana would have had to seek reimbursement from the Miller Agency for such loss;—any agency, which evidence shows has a paid-up capital stock of only Two Thousand Dollars, (\$2,000.00). Furthermore, no bond was furnished with this bid as required by law.

Mr. Miller of the Miller Insurance Agency was called before the committee to substantiate claims that the state had been saved, substantial amounts in the purchase of new contracts from the Mutual companies. On being asked to furnish the committee with information to substantiate these claims, he later delivered to the chairman a newspaper clipping setting forth that the state had made a net saving of \$34,487.02.

On analysis, however, this statement was found to be based on an assumption of facts and suppositions which can not be supported by the record of actual transactions.

The figures used are based on contingencies that did not happen and could not happen. The conclusions to be drawn from this report are in error and misleading for this reason. No such saving as set forth was effected even to a fractional part.

A full explanation of facts and figures as substantiated by the records is submitted with this report.

Conclusions

We conclude that all this insurance was handled and placed in an unbusiness like manner without properly safe-guarding the interests of the taxpayers of Montana, and evidence shows that the primary transactions relating to insurance were carried on by Sam W. Mitchell, Secretary of State, on the part of the State of Montana, and by Mr. Chas. Miller on the part of the insurance companies, and that in the main, the Governor consented to these transactions and that the Attorney General was not wholly in accord and by the record was in the minority.

Your committee approves and endorses the investigation and findings of the Special Insurance Committee.

In order that you may have an opportunity to check the quoted rate of 85c, the following is herewith submitted for your consideration:

The period of time over which the state insurance extended, insofar as the same is now under consideration, is 44 months, that is, 8 months under the old contracts and 36 months under the new contracts. The total amount expended by the state for insurance on its buildings during the period of time in question is \$69,751.37. This amount, of course, includes the short term cancellation paid to the companies cancelled out, as well as the premiums paid to the companies now on the state risks. If 44 months of insurance cost the State of Montana \$69,751.37, it is obvious that this was at a monthly cost of \$1,585.25. Thirty-six months, or three years, at this monthly rate is an amount of \$57,069.00. The total coverage of the state for the three year period of time is \$6,661,391.00, or in other words, \$6,661,391.00 of coverage cost \$57,069.00, a premium at the rate of 85c per hundred. Divide \$6,661,391.00 into \$57,079.00 to get the dollar rate and multiply this by a hundred to get the hundred dollar rate.

The Law Library coverage has been depleted as it was subsequent to the transaction in question but including it the rate remains 85c.

A special meeting of the Board of Examiners was held May 6th, 1933, at 10:20 A. M., with the following members present:

Governor F. H. Cooney, Chairman, Attorney General Raymond T. Nagle, and Secretary of State Sam W. Mitchell, Secretary.

It was moved by Secretary of State Mitchell and seconded by Attorney General Nagle that the Clerk be instructed to obtain and assemble information with reference to all state owned automobiles, trucks, and other road equipment, and furnish this information to the various insurance companies making the request, with a view of having a fleet insurance policy rate furnished by the various companies so that the board may secure the lowest possible rate and insure all state owned equipment under one policy.

This motion was carried by the unanimous vote of the board.

The board then adjourned, subject to the call of the chairman or to the usual statutory provision.

(Signed) F. H. COONEY,
Chairman of the Board.

(Signed) SAM W. MITCHELL,
Secretary of the Board.

State of Montana	} ss.
County of Lewis and Clark	

I, W. L. Fitzsimmons, Clerk of the State Board of Examiners certify that the above portion of the minutes of the meeting of May 6th, 1933, is a correct and true copy as they appear on the minute books of the State Board of Examiners.

W. L. FITZSIMMONS,
Clerk of the Board.

Subscribed and sworn to before me this 10th day of January, 1934.

(SEAL)

CLIFFORD L. WALKER,
Notary Public for the State of
Montana, residing at Helena,
Montana. My commission expires
May 5, 1935.

A special meeting of the Board of Examiners was held May 23rd, 1933, at 10:15 A. M., with the following members present: Governor F. H. Cooney, Chairman, and Secretary of State Sam. W. Mitchell, Secretary. Attorney General Raymond T. Nagle was absent from the Capitol Building and excused.

The matter of placing automobiles, trucks and other road equipment of the State of Montana all under one insurance policy, as mentioned in the minutes of the meeting of May 6th, was discussed at some length. Mr. Charles Miller, representing the Miller Insurance Agency of Butte, presented a letter to the Board of Examiners setting forth the proposition of his agency to write one Public Liability and one Property Damage policy to cover all of the state equipment; cars, trucks, etc., and a schedule showing the rates applying and the saving of approximately \$4,000.00 by insuring with his agency in lieu of the present insurance now carried on this equipment. After some discussion Secretary of State Mitchell made the following motion:

"I move that we award the fleet automobile insurance to the Miller Insurance Agency of Butte in conformity with the provisions set forth in the Miller Insurance Agency's letter of May 22, 1933; the policy to cover Public Liability and Property Damage on all state-owned automobiles, trucks, tractors and road equipment."

This motion was seconded by Governor Cooney and carried unanimously.

The matter of insuring the equipment for fire and theft was then discussed at length and the following motion was made by Secretary of State Mitchell:

"I move that fire and theft insurance be placed on all state-owned passenger automobiles, and fire insurance only on the balance of state owned equipment."

This motion was seconded by Governor Cooney and carried by the unanimous vote of the members present.

The Miller Insurance Agency was verbally advised of the board's action and told to prepare the policy as provided above, to be effective at noon, June 1, 1933.

The board then adjourned, subject to the call of the chairman or to the usual statutory provision.

Chairman of the Board.

(Signed) SAM W. MITCHELL,
Secretary of the Board.

State of Montana
County of Lewis and Clark } ss.

I, W. L. Fitzsimmons, Clerk of the State Board of Examiners, certify that the above portion of the minutes of the meeting of May 23rd, 1933, is a correct and true copy as they appear on the minute books of the State Board of Examiners.

W. L. FITZSIMMONS,
Clerk of the Board.

Subscribed and sworn to before me this 10th day of January, 1934.

(SEAL)

CLIFFORD L. WALKER,
Notary Public for the State of
Montana, residing at Helena,
Montana. My commission ex-
pires May 5, 1935.

A special meeting of the Board of Examiners was held June 10th, 1933, at 11:00 A. M., with the following members present: Governor F. H. Cooney, Chairman, and Secretary of State Sam W. Mitchell, Secretary.

Absent: Attorney General Nagle, excused by reason of his being absent from the capitol on official business of his office.

Chief Deputy Attorney General J. J. Lynch attended the meeting at the request of the Attorney General.

This meeting was held for the purpose of receiving bids on a fleet automobile insurance policy covering the automobiles, trucks and other equipment of the State of Montana. In addition to the members of the board there were present the Clerk of the board, W. L. Fitzsimmons,

Chas. E. Miller, Jr., representing the Miller Insurance Agency of Butte, L. B. Tipling, Don Jacobus, W. H. O'Brien, M. J. Thomas and W. W. Huntsberger. The last five named represented Board and Conference Companies making a joint bid. The bids were presented as follows:

Miller Insurance Agency of Butte, for Fire, Theft, Public Liability and Property Damage according to the specifications set forth in their letter. Total \$12,677.36.

Joint Bid of Conference Companies according to the specifications set forth in their letter. Total \$14,915.71.

The various phases of the bids and offers were discussed at length and Chairman Cooney moved that the Secretary of State and the Clerk of the Board study the two bids, making a statement of comparison, and report back at a special meeting at 3:00 P. M., this date.

This motion was seconded by Secretary of State and carried unanimously.

The board then adjourned until 3:00 P. M.

June 10, 1933. 4:00 P. M.

The Board of Examiners convened in special session at 4:00 P. M. to consider the report on the fleet automobile insurance bids, there being present the same members of the board and interested parties as at the morning session excepting Mr. Thomas.

The following report was offered by the Clerk of the Board:

To the Honorable Board of Examiners,
Capitol Building,
Helena, Montana.

Gentlemen:

Complying with your request of this noon I have made a comparative statement of the automobile fleet insurance policies offered by the Miller Insurance Agency and the Associated Conference Agents in conformity with their respective bids offered at the board meeting this morning.

I find that upon light passenger cars and medium passenger cars the Conference Companies were slightly lower on public liability and property damage. On light trucks the Miller Insurance Agency was slightly lower on public liability but higher on property damage. On medium and heavy trucks the Conference Companies were low on both public liability and property damage. On motor patrol and tractors the Miller Insurance Agency was low on public liability and high on property damage, while on horse-drawn equipment the Miller Insurance Agency was high on public liability but considerably lower on property damage. The figures for non-motorized, miscellaneous equipment were \$453.00 from the Miller Insurance Agency and \$566.00 from the Conference Companies.

On the fire and theft coverage Conference Companies bid \$3,711.96 while the Miller Insurance Agency bid \$1,073.47, but did not cover trucks and other equipment for theft. Mr. Miller advises that this additional coverage would be approximately \$100.00.

Unless the entire equipment were figured out at the basic rates by each bidder an exact comparison of totals can not be arrived at and we have not sufficient time to go into that. However, assuming that the equipment bid as far as items are concerned is identical then on the liability insurance the Miller Insurance Agency is \$400.14 higher while on fire and theft, taking the \$100.00 for theft into consideration, the Miller

Insurance Agency is \$2,538.49 lower than the Conference Companies bid, making the Miller Insurance Agency bid on the entire coverage \$2,138.35 lower than the other bid as exhibited by the following schedule:

TOTAL BIDS FOR ONE YEAR

MILLER INSURANCE AGENCY	OTHER BIDDERS
\$25,000-\$25,000 Public Liability	\$ 6,323.70
Property Damage, \$5,000	2,534.75
P. L. Non-Motorized Equipment	566.00
P. L. Horse-Drawn Equipment	1,779.30
TOTAL P. L.	\$11,203.75
Fire and Theft	3,711.96
	\$12,677.36
Add Theft—for comparison	100.00
	\$12,777.36

Very truly yours,

W. L. FITZSIMMONS,
Clerk State Board of Examiners.

Approved:

F. H. COONEY,
SAM W. MITCHELL.

The following report and motion was submitted by Secretary of State Mitchell:

To the Honorable Board of Examiners:

After making a comprehensive survey of the insurance situation relative to state owned automobiles and road equipment, I find that the Miller Insurance Agency bid is the most beneficial to the state for the reason that the contract price is lower by \$2,138.35 than any other bid submitted. The Miller Insurance bid also contained a clause providing that if any part of the equipment is out of service for sixty days or more, the state shall be entitled to a refund of premium for that period.

I therefore move that the State Board of Examiners, at our meeting of this date, namely June 10, 1933, does accept the Miller Insurance Agency bid.

Respectfully submitted,

SAM W. MITCHELL,
Secretary of State.

O. K.

F. H. COONEY,
SAM W. MITCHELL.

The motion was seconded by Governor Cooney and carried unanimously.

Whereupon the policies submitted with the bids were returned to the representatives of the Conference Companies and the Clerk was instructed to retain the policies submitted by the Miller Insurance Agency and consider the insurance of the Miller Insurance Agency to be in full force and effect.

The board then adjourned, subject to the call of the chairman or to the usual statutory provision.

Chairman of the Board.

(Signed) SAM W. MITCHELL.
Secretary of the Board.

State of Montana }
County of Lewis and Clark } ss.

I, W. L. Fitzsimmons, Clerk of the State Board of Examiners certify that the above is the minutes of the meeting of June 10th, 1933, and is a correct and true copy as they appear on the minute books of the State Board of Examiners.

W. L. FITZSIMMONS,
Clerk of the Board.

Subscribed and sworn to before me this 10th day of January, 1934.

(SEAL)

CLIFFORD L. WALKER,
Notary Public for the State of
Montana, residing at Helena,
Montana. My commission ex-
pires May 5, 1935.

(Newspaper Clipping)

MILLER SHOWS SAVING

Figures submitted by Mr. Miller demonstrated to the investigators formed an example of settlement of the termination of insurance carried by the state, matching the old and new forms. He pointed to the fact that old policies totaling \$9,363,685 written at .796 cents cost the state a premium covering three years of \$74,455.32. The policies were written on an over-valuation of property which was later adjusted by selected authorities. The new policies written for \$6,661,391 at the rate of 60 cents cost the state \$39,968.34 or a saving for three years of \$34,486.98.

Additional significant figures submitted by Mr. Miller follow:

Gross premium on old policies	\$74,455.33
State is entitled to flat cancellation on \$2,692,294	21,430.66
Balance of premiums, short rate	53,024.67
Short rate, 8 months, 40 per cent	21,209.87
44 months on old basis	91,000.96
8 months short rate cost	\$21,209.87
36 months on new basis	39,968.34
	61,178.21
Net saving for 44 months	\$29,822.75
44 months of old insurance	91,000.96
Pro rata cancellation on total of premium is 8/36x74,455.33	\$16,545.60
36 months on new basis	39,968.34
	56,513.94
Net saving for 44 months	\$34,487.02
44 months of old insurance	91,000.96
Short rate on total of 74,455.33—8 months 40%	29,782.13
36 months new basis	39,968.34
	69,750.47
	\$21,250.49

Pursuant to your demand to analyze a statement of insurance cost as shown by a certain statement shown to me by your committee, I respectfully submit the following, to-wit:

The statement submitted is practically meaningless in that it is based upon an assumption of facts which are suppositions and contrary to the facts as now disclosed by the record which has been made.

The first paragraph of the statement, which attempts to show that a saving of \$34,486.98 inured to the benefit of the state, is made on the assumption that the old contracts had ran the full period of three years and new contracts were then written and the premiums paid. Had this actually happened, simple subtraction would show the figure to be correct, but it must be remembered, this did not happen, and that the old contracts were cancelled on a short term rate. The cancellation of the old contracts, after the contracts had been in force eight months, and the payment of short term cancellation rates, changes the facts and proves the falsity of this portion of the statement.

The statement shows the gross premium on the old contract to be \$74,455.33. This figure, predicated upon the old contracts, is correct, but warrants were never drawn for this amount as cancellation was effected after the contracts had been in force 8 months, which cancellation was on a short term rate, which rate was 40% of the gross premium.

The statement next assumes that the board would endorse existing contracts down to \$6,661,391.00 or delete \$2,692,294 of the valuation represented by the old contracts and the statement further assumes that by this endorsement, the companies bound by the contracts would not charge for this amount of coverage for the period of time it was effective. The donation, which the companies were supposed to make to the state under this assumption, is set up at \$21,430.66. Under the contracts in existence, the companies were not bound to make donations. The valuations placed upon the property insured by the old contracts was a statement of value made by the assured and contracts were written on this statement, and, in the event a loss had occurred, the companies would have been obliged to meet the loss accruing.

Section 8131, R. C. M. 1921, specifically provides that an insurer is entitled to the payment of the premium as soon as the thing insured is exposed to the peril insured against, and it is evident that the peril of fire on state buildings attached the moment the contracts were signed.

The record discloses that the state never asked for the existing contracts to be endorsed down to another valuation figure, but on the contrary, effected out right cancellation allowing short term rates to spring into existence.

The statement next assumes that after the companies had written off \$21,430.66 of the gross premiums, the state would have had the privilege of cancelling the remaining \$6,661,391 of valuation, represented by a gross premium of \$53,024.67, on a short term rate.

The falsity of this portion of the statement lies in the fact that if the state could expect a donation of \$21,430.66, why pay \$21,209.87 for short term cancellation on the remaining portion of the insurance in effect.

It perhaps could be urged that the reason the flat cancellation would inure to the benefit of the state, lies in the fact that state buildings were over-insured, however, as far as the Insurance Department is presently informed, there is no actual physical valuation report to prove whether or not this assumption is correct.

The fact is that the state effected outright cancellation on the total insurance of \$9,353,685. This cancellation was effected on a short term rate at a total cost to the state of \$29,726.02 according to the figures of the State Board of Examiners which are sustained by the cancelled warrants in the State Auditor's Office.

The statement sets up \$91,000.96, the cost of insurance for 44 months at the old rate. This, of course, may be proved by simple arithmetic.

The statement, then, however, gives the new contracts credit for \$21,209.87 as the cost of cancellation. This figure, it must be remembered, is erroneous as it is based on a donation to the state of \$21,431.66 of the gross premiums then due, and a cancellation of the remaining gross premium on a short term rate.

The erroneous figure of \$21,209.87 then added to the cost of the new insurance gives a total cost of the new contracts of \$61,178.21. This, then, subtracted from the cost of 44 months of old insurance gives a differential of \$29,822.00 which is shown as a saving. This figure is clearly in error. The facts upon which it is predicated never happened and is based on the companies making a flat cancellation which never occurred and which the board did not seek to effect.

The next group of figures is in error due to the fact that it attempts to show cost of new insurance as the contract price of the new insurance, plus the cost of pro rata cancellation of old insurance as deducted from 44 months of old insurance at the old rate. The error of this set of figures lies in the fact that pro rata cancellation was not secured, but on the contrary, the state paid \$29,726.02 short term cancellation, and further attempts to extend the period of old insurance beyond that provided for in the contract and compare this to the shorter period of time of the new contracts under a less rate.

The last set of figures do not disclose the true picture. In fact, the figure \$29,782.13, set up as short term cancellation, is, in reality, \$29,726.02 as shown by the record as it now exists. This group of figures further attempts to compare 44 months of insurance at the old rate as against 36 months of insurance at the new rate, plus short term cancellation of the old insurance on a 36 months basis. The figures combine what actually did occur with a supposition that the old insurance would be carried over a longer period than provided for in the contracts as they were written and binding upon the state and the companies.

In determining the actual cost, to the state, of the new insurance, care must be exercised to keep the actual transactions made, and which are supported by the record, in mind. Great care should be exercised not to interject an assumption into the calculations which are not sustained by the record.

To assume that companies would cancel on a flat rate basis an amount in excess of 28% of the gross amount due, is to make a large assumption to say the least, and this is especially true in light of the fact that the companies, whose representatives are making the assumption, have embodied in their contracts of insurance the identical stipulations of cancellations upon which the companies on the old contract collected a short term rate, when the assured, the State of Montana, sought to enforce its contractual rights of cancellation under the terms of the contract.

A review of the whole record in this matter shows that \$70,351.37 has been spent on State Insurance. This figure represents money actually paid out of the state treasury on warrants drawn pursuant to claims filed and allowed by the Board of Examiners. With the "ifs," "ands," and "buts" removed, \$70,351.37 of state money has been spent on State Insurance.

Take this figure and relate it to the total coverage now on state buildings and include the period of time over which the present question of State Insurance has extended and it is bound to appear that State Insurance has extended and it is bound to appear that State Insurance has been written at a rate of .85c, not .796c, the old rate, or .60c the new rate. A comparison of rates perhaps, is the logical manner at which to arrive at an answer to the question of what saving was effected by rewriting contracts of insurance on state buildings.

It should also be borne in mind that the state has lost \$2,692,294.00 of coverage under the new contracts, which loss of coverage may be of vast importance under the 90% co-insuring clause in the event of a loss.

The original contracts cost the state \$74,455.33, the present actual cost has been \$70,351.37. The differential of \$4,103.96 represents the cost of \$2,692,294.00 of insurance coverage, or, in other words, this additional coverage could have been maintained by the state for \$4,103.96 or, represents insurance at a rate of .15c.

Respectfully submitted,

JOHN J. HOLMES,

State Auditor and Ex-officio Commissioner of Insurance.

REPAIRS TO STAINED GLASS AND DOME OF THE CAPITOL BUILDING

It appears from the evidence without question that on June 7, 1933, one K. E. Von Zimmer, also known as Zimmer, a resident of the state of Idaho, entered into a contract with the State Board of Examiners for certain repairs to stained glass in the capitol building.

At the meeting of the Board of Examiners, there were present two members of the board, to-wit: Governor Cooney and Secretary of State Mitchell. After a full discussion, Von Zimmer presented a contract which he had drawn, submitted it to the two members of the board, who signed it on behalf of the State of Montana. This contract contemplated an expenditure in excess of Five Hundred (\$500.00) Dollars, and at the time these state officials signed the contract they were fully advised they had no legal right to contract in excess of Five Hundred (\$500.00) Dollars without calling for bids. This contract was never submitted to the Attorney General's Office, the legal advisor of all state departments. Copy of this contract attached and marked Exhibit "A".

The evidence discloses that shortly after the present Governor took office that the statutory duties of the Capitol Custodian were abrogated by executive order, and the Secretary of State, Sam Mitchell, was designated as the Superintendent of Public Buildings and Grounds, and was assured that Governor Cooney would approve any actions taken by him.

Within a few days after Von Zimmer commenced work on the stained glass, Secretary of State Mitchell, as Superintendent of Public Buildings and Grounds, employed Von Zimmer to repair the capitol dome. No further contract appears to have been executed, and apparently, with the consent of the majority of the Board of Examiners, Von Zimmer's work upon the capitol dome was agreed to on the same basis as to compensation and cost of material as outlined in the stained glass contract. Upon the return of Attorney General Nagle, it appears that he immediately gave orders to stop this work, claiming that it was illegal. Much confusion resulted thereafter, the work being started and stopped at various intervals. Finally, the work came to an end by reason of an opinion delivered to the State Auditor's Office by the Attorney General, advising the State Auditor that the Von Zimmer claim for materials was illegal and must not be paid. The opinion and a statement by Attorney General Nagle was published, resulting in the complete stoppage of the work and leaving the work unfinished.

There can be no question but what the contract of Von Zimmer for the stained glass and as extended to the capitol dome was, and is, illegal and void and in direct violation of Section 1, Chapter 149, Laws of Montana 1927.

At no time did the Board of Examiners advertise or ask to have bids submitted for repairs at the Capitol as provided in Chapter 149. We find a direct violation of Section 5 of said chapter as the evidence submitted to this committee proves that the contract is based upon the cost plus plan.

We file herewith a copy of the payroll, marked Exhibit "B", showing the amounts which have been paid to Von Zimmer and his men while employed at the capitol building. We find that Von Zimmer has been carried on the payroll as a foreman at \$1.50 per hour, while the contract specified \$1.25 per hour for all men. Nearly all of the workmen helping Von Zimmer were paid by the State of Montana at the rate of \$1.25 per hour, but in order to hold their jobs were forced to endorse and deliver their checks to Von Zimmer, who cashed them, returning to them any amount he wished. In many instances he deducted as much as 75c per hour from the pay checks of the men as a fee for their employment by him.

The evidence shows that Von Zimmer and most of the men working for him are non-union workers, the majority of them not being residents of the State of Montana. Sometime after Von Zimmer had commenced work on the dome and in the month of September, 1933, he made up and presented to the State Board of Examiners his claims for materials furnished by him, copy attached and marked Exhibit "C". It was necessary that this claim be first presented to the Capitol Custodian in view of the fact that it was intended that this money should be paid out of the Custodian's funds.

Mr. Mushback, the former Custodian, who refused to sign or verify payrolls for Mr. Von Zimmer, had been discharged and Mr. Small the present Custodian testified that he approved the claim for Von Zimmer without knowing anything about it and without any request from anyone except Von Zimmer, but later on admitted that Secretary of State Mitchell told him to approve it. Thereafter, the claim was presented to the Governor and the Secretary of State. The majority of the Board of Examiners consisting of the Governor and Secretary of State and each of them endorsed thereon his approval in writing; the claim was not approved at any regular meeting of the Board of Examiners, but Von Zimmer personally presented the claim to each of the approving officers. When the claim was taken to the Auditor's office, then the opinion of the Attorney General was sought by the State Auditor and the claim rejected as being illegal as hereinbefore set forth. After the Attorney General's opinion, the Governor and the Secretary of State withdrew their approval to the claim.

We submit herewith a true copy of the claim presented and approved as stated herein. This claim is not verified by purchase order, delivery receipts or invoices, and further, we find that the prices charged by Von Zimmer in this claim for materials is a direct attempt to extort money from the State of Montana under an illegal contract. Further, on checking the statement of the Holter Hardware Company, where most of the materials were purchased, we find the prices charged by Von Zimmer to the State of Montana therein have been increased from one hundred to three hundred per cent over actual cost, even after deducting the seventeen per cent specified in the alleged contract. The discrepancy between the actual purchases already furnished and the claim of Von Zimmer can not be reconciled. The evidence shows at least One Thousand (\$1,000.00) Dollars difference between the invoices furnished and the items and prices set forth in the claim. Furthermore, it appears that Von Zimmer while an employee of the state was selling supplies to the State of Montana, which is in direct violation of Sec. 12, Chap. 66-1923.

No effort was made to purchase these materials through the State Purchasing Agent as required by law, nor was he ever consulted or asked to check the prices paid for materials purchased. It is required by law that the Capitol Custodian must check all in-coming and out-going materials for use of the Capitol Building. We find that at no time did either the

past or the present Custodian ever check any materials purchased by Von Zimmer, but as before stated the present Custodian did approve the claim as stated.

We find that men were employed by Von Zimmer at a cost to the state of \$1.25 per hour on such simple duties as washing windows, a duty which could have been well performed by the present janitor force in the Custodian's office.

The amount already paid by the State of Montana on the Von Zimmer transaction is almost \$5,000.00 and on the basis of the deductions from the pay of the men working for him and the padding of his cost of materials, it would be safe to say that one-half of this amount must have gone to Von Zimmer.

The action of the Governor and the Secretary of State in signing the Von Zimmer contract and in permitting him to work on the capitol dome and in approving his claim are subject to the strongest criticism for the following reasons, apart from the non-legality of the acts:

(a) They permitted Von Zimmer to draw his own contract and they signed it without advice from the Attorney General's Office, and without seemingly being aware of its provisions.

(b) They permitted him to work on the dome without any limitations as to time or amount of work to be done, and they provided no supervision whatever over his work or the materials furnished.

(c) They approved his claim carelessly and negligently, without checking any of the items or the cost of any of the materials.

(d) After knowing that the whole transaction was contrary to law they permitted Von Zimmer to continue.

(e) They consented to the expenditure of almost Five Thousand (\$5,000.00) Dollars of the state's money, and it is impossible to ascertain what benefit accrued to the state, but the information furnished the committee is to the effect that the whole job is being done over by the C. W. A. Secretary of State Mitchell, as Superintendent of Public Buildings and Grounds, whether he was rightfully appointed or not, certainly was charged with responsibility for the work done under his supervision.

AGREEMENT

To the attention of the board:

Governor Cooney,
Secretary of State Mitchell,
Attorney General Nagle.

Made this 7th day of June, 1933, between MONTANA STAINED LEADED GLASS COMPANY & THE STATE OF MONTANA for the repairs of stained glass on capitol building in Helena.

We hereby propose to make the following repairs and replacements:

Replace all broken out stained glass. Recement all cracked stained glass, restraighthen, resupport all stained glass, refill and resolder all broken lead salms, paint and cresote all wooden frames, repair all sky-lights and water proof same over stained glass domes, also the replacing of new wired centered glass in dome, same to be set in cement, and all leaded glass to be reset in corking.

This work is to be started on or about June 12, 1933. All work to be approved by the board before final settlement, the cost of the above for the described work will be at the rate of \$1.25 per hour, per man plus the

cost of the material used (less 17% of material), we hereby resumed all responsibility in regard to injuries or accidents to workmen and property damages.

Signed:

K. E. ZIMMER, Pres.
F. H. COONEY,
SAM W. MITCHELL.

I, G. L. Bryant, Assistant Clerk, State Board of Examiners certify that the above is a true copy of the original agreement.

G. L. BRYANT,
Assistant Clerk.

STATE OF MONTANA, DR.
TO MONTANA STAINED GLASS
DEPARTMENT CUSTODIAN

From July 1 to Sept. 13.....	Materials Used and On Hand
475 lbs. 14 ounce copper @ \$.30 a lb.	\$142.50
88 lbs. copper wire @ .55c a lb.	48.40
101 gal. Siltex Aluminum @ \$.410 per gal.	414.10
17 gal. Glass Laquer @ \$.580 per gal.	98.60
2½ gal. Imperial Carmine @ \$.350 gal.	8.75
2 gal. Rich Blue Laquer @ \$.400 per gal.	6.00
27 gal. Ornamental White Paint @ \$.210 gal.	56.70
16 gal. Paint and Varnish Remover @ \$.225 gal.	36.00
24 gal. Cresote Paint @ \$.600 per gal.	144.00
14 gal. Tups. @ \$.125 per gal.	17.50
122 sq. ft. of ¼" ribbed glass @ .40c sq. ft.	48.80
126 tubes Weather Seal @ \$1.00 per tube	126.00
59 sq. ft. Cath. Sp. Glass @ \$1.50 per sq. ft.	88.50
128 lbs. Filler @ 30c lb.	38.40
33 tubes Glass Cement @ 65c a tube	21.45
162 lb. corking @ 20c a lb.	32.40
167 ft. Sp. Lead cams @ \$1.20 per ft.	200.40
75 lbs. Federal R. Cement @ 20c per lb.	15.00
17 gal. White Shellace @ \$.360 per gal.	61.20
10 gal. Fleet X Clear @ \$.390 per gal.	39.00
32 gal. Linseed Oil @ \$.165 per gal.	52.80
15 lb. N. E. No. 54 White @ \$.380 per gal.	57.00
I keg ' D. Common Nls. @ 8c per lb.	8.00
1 keg 6 D Common Nls. @ 7c per lb.	7.00
185 lb. Commercial Putty @ 8c per lb.	14.80
4 pieces 32" circle glass @ \$.600 each	24.00
	<hr/>
	\$1846.90

STATE OF MONTANA, DR.
TO MONTANA STAINED GLASS
DEPARTMENT CUSTODIAN

From July 1 to Sept. 13—Materials Used and on hand. Bal.	\$1,846.90
2 rolls lead sheet 204 lbs. @ 21c per lb.	42.80
65 lbs. Solder @ 65c per lb.	42.25
3 gal. Spar Varnish @ \$.480 per gal.	14.40
420 lbs. 3-8 Round Iron @ 6c per lb.	25.20
2 pieces plate glass 40x45, \$9.00 each	18.00
7 Books 23K Gold Leafing @ 90c per bk.	6.30
4 rolls Building Paper @ \$1.45 per roll	5.80
20 gal. No. 12 N. E. Paint @ \$.310 per gal.	62.00
225 gal. Metal Primer @ \$1.85 per gal.	416.25
10 tanks welding oxygen A \$10.00 per tank	100.00
35 gal. Imperial Metal Cement @ \$.205 gal.	72.25

12 gal. Muradic Acid @ \$1.00 per gal.	12.00
Rental equipment	50.00
	<hr/>
	\$2,714.15
Less 17% discount	461.41
	<hr/>

“(Other Operations No. 5473. This number of account submitted to this office by Claimant Fitzsimmons.)”

Approved for the sum of \$2,252.74. The same being a proper and necessary expense and a legal charge against Appropriation of Fund. No. _____.

WALTER A. SMALL.

Total to date\$2,252.74

State of Montana }
County of Lewis and Clark } ss.

Montana Stained Glass Company, by Elwood Von Zimmer, Manager, being first duly sworn, deposes and says he is the claimant named in the within account that he read the same and knows the contents thereof; that the same is true of his own knowledge; and that the said account is just and wholly unpaid.

ELWOOD VON ZIMMER,

Subscribed and sworn to before me this 14th day of September, 1933.

W. H. FITZSIMMONS,
Notary Public for the State of
Montana, residing at Helena,
Montana. My commission expires
February, 1934.

Warrant No. _____

Claim No. 582498

File No. 296878

STATE OF MONTANA

TO

MONTANA STAINED GLASS CO.

DR.

\$2,252.74

STATE BOARD OF EXAMINERS

Sept. 14, 1933.

APPROVED FOR THE SUM OF

\$2,219.88

Please return warrant to State Board of Examiners.

Two Thousand Two Hundred Nineteen and 88-100 Dollars.

F. H. COONEY, Chairman.

Attorney General.

SAM W. MITCHELL, Secretary.
Members State Board of Examiners.

Acct. 5A7-3

Helena, Montana, June 7th, 1933.

A special meeting of the Board of Examiners was held June 7th, 1933, at 10:00 A. M., with the following members present: Governor F. H. Cooney, Chairman, and Secretary of State Sam W. Mitchell, Secretary.

Absent: Attorney General Raymond T. Nagle, who was excused by reason of the fact that he was absent from the city on business of his office.

Mr. K. E. Zimmer appeared before the board and explained the necessity of repairing all of the stained glass in the capitol building, and presented a contract whereby he agreed on behalf of the Montana Stained Leaded Glass Company to repair and replace all of the stained glass now in place in the capitol building, and repair all sky-lights and water-proof same, the work to be paid for at the rate of \$1.25 per hour per man, plus the cost of material used, less 17% discount on material. Mr. Zimmer estimated that the labor cost would be in the neighborhood of \$700.00 but could not advise the total cost, as the amount of material could not be determined until the need was made manifest when taking out the windows. The contract was accepted and approved by Governor Cooney and Secretary of State Mitchell, and the work is to be started on or about June 12, 1933. A copy of the contract is on file in this office.

The board then adjourned, subject to the call of the chairman or to the usual statutory provision.

F. H. COONEY,
Chairman of the Board.
SAM W. MITCHELL,
Secretary of the Board.

State of Montana
County of Lewis and Clark } ss.

I, W. L. Fitzsimmons, Clerk of the State Board of Examiners, do hereby certify that the above is a true and correct copy of the minutes of the State Board of Examiners as they appear in the minute book on page 102 meeting of June 7th, 1933.

W. L. FITZSIMMONS,

Sworn and subscribed to before me this 2nd day of January, 1934.

(SEAL)

CLIFFORD L. WALKER,

Notary Public for the State of
Montana, residing at Helena,
Montana. My commission expires
May 5, 1935.

CONCLUSION

In conclusion, your committee feels that ignorance of the law can not excuse any public officer in the discharge of his duties, and that it is for the best interests of the state that ill considered contracts should be condemned. The Legislative branch of the government is just as important as the Executive and all its departments, and whether right or wrong, no officer or department of this state, has any right to ignore appropriations made by the Legislature, or to ignore the laws appearing upon our statutes. We find a total lack of harmony throughout the capitol between the various departments and the Governor's Office. With whom the fault lies, we do not know, but the fact remains that much damage results to the state and its citizens through loss of efficiency and wasteful expenditures.

Your committee, from all the evidence, concludes that this investigation shows incompetence or a plain disregard of the laws of the state, or both, on the part of the Governor and Secretary of State, and we recommend that a copy of this report be given to the Governor, one to the Secretary of State, and one to the Attorney General, and that this report be mimeographed and a copy placed on the desks of each member of this House.

Respectfully submitted to the House for such action as it may deem proper and necessary.

MERLE C. GROENE,
Chairman.

T. E. NELSTEAD,
JOHN C. ABRAHAMSON,
JOE METLEN,
RAY N. SHANNON,
E. U. LOGAN,
M. R. MARSHALL.

(See attached explanation)

I join in the above report with the following restrictions:—Concerning the acceptance of high bids the Governor defends his acceptance of the high bid on sugar by saying it was a Montana product; he said acceptance of the high bid on dried fruit was due to the superior quality of the bid accepted. When the work on the capitol was begun both the Governor and Mr. Mitchell believed federal funds would be secured for such repairs.

I do not wish to join in the conclusion of the report as to alleged "incompetence and plain disregard of law" by Governor Cooney. The evidence presented does not lead me to question his integrity or intentions. He apparently placed too great confidence in the advice of Mr. Mitchell, Secretary of State. The extraordinary duties imposed upon the Governor during this period of depression have prevented him giving due consideration to the details of the business of the state.

The facts disclosed by evidence presented to our committee are presented to the House members for them to draw their own conclusions.

Signd: MARSHALL.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 11:00 o'clock, Friday, January 12th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FORTY-SEVENTH DAY

House of Representatives,
Helena, Montana, January 12, 1933.

House convened, pursuant to adjournment, at 11:00 o'clock, A. M.
Mr. Speaker in the Chair.
Invocation by Reverend Hagen.

On roll call, all members present except the following:
Blankenbaker, Fowler, Givens, Setzer and Snidow, excused.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the 46th Legislative Day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

January 12, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Bill No. 24, by Larson, Campbell and Husband, was this day read three several times and passed, title and history agreed to, and bill is herewith transmitted to the House for concurrence.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 11, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that H. B. No. 80 was this day read three several times and concurred in as amended, title and history agreed to, and bill is herewith transmitted to the House for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 11, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 80 be concurred in.

Report adopted.

- Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 11, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Joint Conference Committee on Senate amendments to Sub. H. B. No. 30, was this day, on roll call, adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 11, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Finance and Claims this day, having had under consideration H. B. No. 80 respectively report as follows:

That same be amended by striking out in Section 1, line 18, the words and figures, "Thirty-three thousand dollars (\$33,000.00)" and substituting in lieu thereof the words and figures. "Twelve thousand dollars (\$12,000)";

By striking out in line 22 the words and figures, Thirteen Thousand Five Hundred (\$13,500)", and substituting in lieu thereof the words and figures, "Six Thousand Dollars (\$6,000.)";

By striking out in lines 25 and 26, immediately after the comma following the word "Montana" the words and figures, "Nine Thousand Five Hundred Dollars (\$9,500.)", and substituting in lieu thereof the words and figures, "Four Thousand Five Hundred (\$4,500)".

And as amended, recommend same be concurred in, report adopted.

That Senate Committee on Judiciary, having had under consideration S. B. No. 24, recommend same do pass, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 11, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following Senate bill was this day introduced without previous notice by unanimous consent of the Senate, read first and second time, and referred to Committee on Judiciary.

S. B. No. 24, by Larson, Campbell and Husband: A bill for an Act entitled: "An Act to amend Section 97, of Chapter 105, (commonly called the Liquor Control Act), of the Twenty-third Legislative Assembly in regular session assembled, relating to the allocation and distribution of net profits, derived from the administration of the law, to the state and counties."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 11, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Finance and Claims, in response to the invitation of the House that the committee attend a conference to discuss state finances and taxation measures, respectfully reports that they recommend that the invitation be accepted, and that the Vice-Chairman of the Finance and Claims Committee be named in place of the President of the Senate to attend the conference, and that the committee be requested to report back to the Senate on Friday, January 12th, by 2:00 P. M. of said day. Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 10, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on roll call, adopted the report of the Joint Conference Committee on Senate Amendments to Sub. H. B. No. 6.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Rognlien, duly seconded and carried, that Senate Bill No. 8 be re-referred to the Committee on State Lands for amendment.

It was moved by Love, duly seconded, "that the House forthwith create a Board of Inquiry composed of three members namely, the minority and majority Floor Leaders and the Chairman of the Committee on Privileges and Elections, said Board of Inquiry shall immediately conduct an investigation to ascertain the responsibility for release of report of Special Committee of Seven to the press before the House had authorized any such action.

Said Board of Inquiry shall have full authority to subpoena witnesses, administer oaths, conduct hearing where any interested person may appear, take records of all proceedings and report their findings to the House, before any further action is taken on the report of the so called Special Investigating Committee of Seven."

It was moved by Freed, duly seconded and carried, that the motion by Love be amended by striking the following from the same: "before any further action is taken on the report of the so called Special Investigating Committee of Seven."

A roll call was demanded by the required number on the amended motion by Love. Motion was lost by the following vote:

Ayes: Ballard, Beadle, Bjerneby, Breitenstein, Campbell, Cusker, Daugherty, Duffy, Freudenstein, Haight, Harrington, Holecek, Jensen, Kuhl, Lewis, Love, McDermott, Manning, Miles, Mulholland, Nass, Nutting, O'Connell, O'Shea, Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Stephens (McCone), Sullivan, Whaley. Total 38.

Noes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Besancon, Byrne, Chapman, Conner, Doe, Doran, Ecton, Findlater, Fitzstephens, Goodwin, Grabow, Green (Dawson), Hagerty, Harlen, Hilger, Knowles, Kruse, Larsen, Lott, McCarvel, McElwain, Mason, Miller (Big Horn), Miller (Lincoln), Moss, Parker (Flathead), Parker (Broadwater), Quamme, Roll, Somerville, Spangler, Sparling, Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), White, Wigal, Mr. Speaker. Total 49.

Absent and not voting: Blankenbaker, Fowler, Freed, Givens, Setzer, Snidow. Total 6.

The following passed their vote: Ferry, Groene (Fergus), Logan, Marshall, Metlen, Nelstead, Shannon, Woodcock. Total 8.

Mr. Speaker: Thirty-eight have voted "aye"; forty-nine have voted "no"; motion was lost.

The following motion was made by Love, duly seconded and lost.

January 12, 1934.

"Mr. Speaker: I move that prior to final action on the report of the Special Investigating Committee of Seven this House shall authorize the presentation further evidence for the consideration of this body.

I move further, that for the purpose of getting this evidence properly before this body that this House shall resolve itself into recess or informal session before which witnesses and evidence may be submitted.

I move further, that the Floor Leader shall be authorized to subpoena witnesses, evidence, administer oaths, provide for proper transcript of evidence and to perform such other duties as may be required of him. A re-

quest of any ten members presented to the Floor Leader will be regarded as proper request for summons. Any member of House shall be permitted to question witnesses."

COMMUNICATIONS AND PETITIONS

The following telegram was read:

Washington, January 10, 1934.

Honorable Frank H. Cooney,
Governor of Montana,
Helena, Montana.

The Federal Emergency Relief Administration stands ready to co-operate with the State of Montana in meeting the relief needs of the unemployed. Stop. This financial co-operation on our part however must depend upon the State of Montana assuming a reasonable share of the cost. Stop. I want to make it perfectly clear that any further financial aid will depend upon what the state through its Legislature does toward sharing the cost of relief.

HARRY L. HOPKINS,
Administrator.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

It was moved by Besancon, duly seconded that Senate Bill No. 24 be accepted by the House.

The Chair ruled that in as much as the motion involves a suspension of the rules the motion is referred to the Committee on Rules, Joint Rules and Order of Business.

It was moved by Besancon, duly seconded and carried, that the House recess until 1:30 P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

January 12, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

H. B. Nos. 1, 44, 57, 78, 62 and Sub. 67.

L. E. LARSEN, Chairman.

Without objection, report adopted.

January 12, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 1, and same has been found to be correct.

JEWELL,
BESANCON,
UELAND.

January 12, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 57, and same has been found to be correct.

W. P. PILGERAM.

January 11, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 44, and same has been found to be correct.

NUTTING.

January 11, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 78, and same has been found to be correct.

E. A. STIEFEL.

January 12, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 62, and same has been found to be correct.

JOHN REARDON,
W. P. PILGERAM.

January 11th, 1934.

We hereby certify that we have this day received Enrolled Substitute House Bill No. 67, and same has been found to be correct.

ROGNLIEN.

The Speaker announced he was about to sign House Bill No. 1, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 57, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 44, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 78, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 62, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Substitute House Bill No. 67, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 12, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Special Committee on Fire Insurance was considered as a special order of business and on motion, report was received and filed.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Groene, duly seconded and carried, that consideration of the report of Special Committee of Seven, be postponed until tomorrow morning.

It was moved by Campbell, duly seconded and carried, that Senate Amendments to House Bill No. 42 be placed at the head of the list on General Orders.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Holecek in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration, Senate Amendments to House Bill No. 42, Senate Joint Memorials Nos. 6 and 7, Senate Bills No. 3, Senate Amendments to House Bill No. 80, beg leave to report as follows:

That Senate Amendments to House Bill No. 42 be not concurred in and that a conference committee be appointed and a like committee requested from the Senate.

That Senate Joint Memorial No. 6 be concurred in.

That Senate Joint Memorial No. 7 be concurred in.

That Senate Bill No. 3 be concurred in.

That Senate Amendments to House Bill No. 80 be not concurred in and that a conference committee be appointed and a like committee requested from the Senate, and your committee begs leave to sit again.

J. F. HOLECEK, Chairman.

On motion of Holecek, report adopted.

CONSIDERATION OF GENERAL ORDERS

Holecek in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole having had under consideration Senate Amendments to House Bills Nos. 28 and 65, beg leave to report as follows:

That Senate Amendments to House Bill No. 28 be not concurred in and that a conference committee be appointed and a like committee requested from the Senate.

That Senate Amendments to House Bill No. 65 be concurred in.

HOLECEK, Chairman.

On motion of Holecek, report adopted.

The Speaker designated Breitenstein of Hill, Besancon of Missoula, and Watson of Meagher to act as conference committee on Senate Amendments to House Bill No. 28.

The Speaker designed Pilgeram of Cascade, Byrne of Toole and Knowles of Jefferson to act as conference committee on Senate Amendments to House Bill No. 42.

THIRD READING OF SENATE BILLS

Senate Joint Memorial No. 6 introduced by Willis and Walker, having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzsimmons, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Met-ein, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Sullivan, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 84.

Noes: Ballard, Byrne, Strange, Trenne. Total 4.

Absent and not voting: Blankenbaker, Fowler, Freed, Givens, Groene (Fergus), Harrington, Mulholland, Nelstead, Roll, Rolph, Setzer, Shannon, Snidow. Total 13.

The Speaker: Eighty-four have voted "aye"; four have voted "no"; Senate Joint Memorial No. 6 was concurred in by the House.

Senate Joint Memorial No. 7 introduced by Duncan and Church, having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens, (McCone), Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 83.

Noes: None.

Absent and not voting: Ballard, Blankenbaker, Byrne, Doe, Fowler, Freed, Givens, Larsen, Metlen, Moss, Mulholland, Nelstead, Ralston, Setzer, Shannon, Snidow, Sullivan, Waite. Total 18.

The Speaker: Eighty-three have voted "aye"; none have voted "no"; Senate Joint Memorial No. 8 was concurred in by the House.

Senate Bill No. 3 introduced by Simmons, having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Duffy, Ecton, Ferry, Findlater, Freudenstein, Goodwin, Grabow, Hagerty, Haight, Harlen, Harrington, Holecek, Jensen,

Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 85.

Noes: Doe, Green (Dawson), Groene (Fergus), Hilger, Fitzsimmons. Total 5.

Absent and not voting: Blankenbaker, Doran, Fowler, Givens, Nelstead, Rolph, Schuster, Setzer, Shannon, Snidow. Total 11.

The Speaker: Eighty-five have voted "aye"; five have voted "no"; Senate Bill No. 3 was concurred in by the House.

THIRD READING OF HOUSE BILLS

Senate Amendments to House Bill No. 5, having been read three several times were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Quamme, Ragen, Ralston, Rearden Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Somerville, Spangler, Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Whaley, White, Wigal, Woodcock. Total 80.

Noes: None.

Absent and not voting: Arnold, Blankenbaker, Byrne, Fowler, Freed, Givens, Groene (Fergus), Knowles, Logan, Metlen, Miles, Moss, Nelstead, Porter, Setzer, Shannon, Snidow, Sparling, Stephens (McCone), Watson (Missoula), Mr. Speaker. Total 21.

The Speaker: Eighty have voted "aye"; none have voted "no"; Senate Amendments to House Bill No. 65 were concurred in by the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 1, 44, 57, 78, 62 and Sub. 67, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 2:20 o'clock P. M. delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

REPORTS OF SELECT COMMITTEE

Mr. Speaker: We, your Conference Committee, having had under consideration House Bill No. 71, being a bill entitled:

A bill for an Act entitled: "An Act appropriating money for the purchase of materials, equipment and supplies to be used in connection with the repairs and alterations to the state capitol buildings and grounds, and architects fees in connection therewith."

Respectfully report as follows: That the House accedes to the Senate amendment in Section 1, line 7 and 8 of the printed bill, striking out the words and figures, "Thirty-nine Thousand One Hundred Forty-seven Dollars, \$39,147.00" and inserting in lieu thereof the words and figures "Forty-nine Thousand One Hundred Forty-seven Dollars, \$49,147.00", and further amend by striking out in Section 1, line 9 of the printed bill the Senate amendment, the words and figures Seven Thousand Five Hundred Dollars, \$7,500.00" and substituting in lieu thereof the words and figures "Six Thousand Dollars, \$6,000.00."

And that House Bill No. 71 be further amended by inserting a new section to be known as Section 3 and to read as follows:

"Section 3. The moneys herein appropriated for equipment, supplies and materials shall be disbursed by the State Board of Examiners for the purchase of materials to be used in repairs to the state capitol building under the supervision of the Montana Civil Works Board and all purchases of materials hereunder shall be made through the State Purchasing Agent, and shall be of kind and quality approved by the Supervising officer representing the Montana Civil Works Board and the State Board of Examiners." Renumber the remaining sections accordingly.

And as so amended, recommend that the same be concurred in.

STAGGS,
REED,
PLANK.

For the Senate.

PIERSON,
ROLL,
ARNOLD.

For the House.

On motion by Pierson, duly seconded conference committee report on House Bill No. 71 was adopted by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Freudenstein, Goodwin, Grabow, Green, (Dawson), Groene (Fergus), Haggerty, Haight, Harlen, Harrington, Hilger, Holecsek, Jensen, Kruse, Kuhl, Larsen, Lewis, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 88.

Noes: None.

Absent and not voting: Blankenbaker, Cusker, Fowler, Freed, Givens, Knowles, Logan, Nelstead, Roll, Setzer, Shannon, Snidow, Watson (Meagher). Total 13.

Mr. Speaker: Eighty-eight have voted "aye"; none have voted "no"; conference committee report on House Bill No. 71 was adopted by the House.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

January 12, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Joint Conference Committee on Senate amendments to H. B. No. 71 was this day, on roll call, adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 12, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day, at the request of the House, appointed the following Senators to act with a like committee from the House as a Joint Conference Committee for the consideration of Senate amendments to H. B. No. 80. Staggs, Donovan and Thien.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Byrne, duly seconded and carried, that the House now take up consideration of the report of the Joint Committee on investigation of State Insurance.

It was moved by Marshall, duly seconded, that the report of the committee be adopted.

On substitute motion, it was moved by Pilgeram, duly seconded, that action on motion of gentleman from Missoula be indefinitely postponed.

A roll call was demanded by the required number.

Motion of Pierson was lost by the following vote:

Ayes: Ballard, Beadle, Besancon, Bjorneby, Campbell, Chapman, Daugherty, Doe, Duffy, Freudenstein, Hagerty, Harrington, Holecek, Knowles, Love, Manning, Mason, Miles, Mulholland, Nass, O'Connell, O'Shea, Parker (Flathead), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Repogle, Rognlien, Rolph, Schuster, Spangler, Stephens (McCone), Whaley, White, Woodcock, Sullivan. Total 40.

Noes: Abrahamosn, Anderson, Annin, Arnold, Balgord, Breitenstein, Byrne, Conner, Ecton, Findlater, Fitzstephens, Freed, Grabow, Green (Dawson), Groene (Fergus), Hilger, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, McCarvel, McElwain, Marshall, Metlen, Miller (Big Horn), Miller (Lincoln), Moss, Nelstead, Parker (Broadwater), Quamme, Roll, Shannon, Somerville, Sparling, Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Wigal, Mr. Speaker. Total 47.

Absent and not voting: Blankenbaker, Doran, Fowler, Givens, McDermott, Nutting, Setzer, Snidow. Total 8.

The following passed their vote: Acher, Custer, Haight, Harlen. Total 4.

Paired: Ferry, Goodwin.

Mr. Speaker: Forty have voted "aye"; forty-seven have voted "no"; motion was lost.

Whereupon motion by Marshall carried.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock A. M., Saturday, January 13th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FORTY-EIGHTH DAY

House of Representatives,
Helena, Montana, January 13, 1934.

House convened, pursuant to adjournment, at 10:00 o'clock.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Blankenbaker, Givens, Setzer, Snidow, excused.

Mr. Speaker: We, your Committee on Journal, have examined the Journal for the 47th legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

REPORTS OF STANDING COMMITTEES

January 12, 1934.

Mr. Speaker: We, your Committee on State Lands, having had under consideration Senate Bill No. 8 entitled:

A bill for an Act entitled: "An Act to cede jurisdiction to the United States over the Fort Peck Dam, the body of water created by such dam, the land under such body of water, and any land now owned or which may be hereafter acquired by the United States and which shall touch such body of water, all being in the counties of Valley, Phillips, McCone, Garfield, Petroleum and Fergus, Montana and reserving certain rights to the State of Montana."

Respectfully report as follows: That Senate Bill No. 8 be amended as follows:

To insert in Section 1, line 1, after the word "that" "Consent to purchase or condemn all necessary lands is hereby given and."

To insert in Section 1, line 29 after the word "same" "and saving further to the state jurisdiction in the enforcement of the state laws relating to the duties of the Livestock Sanitary Board, and the State Board of Health, and the enforcement of regulations promulgated by said boards."

And as amended be concurred in.

METLEN, Chairman.

On motion of Metlen, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that consideration of the investigating committee reports be continued until 1:30 o'clock this afternoon.

REPORTS OF STANDING COMMITTEES

January 13, 1934.

We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

Nos. 5, 6, 46 and 71.

L. E. LARSEN, Chairman.

Without objection, report adopted.

January 13, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 71, and same has been found to be correct.

SHANNON.

January 13, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 46, and same has been found to be correct.

J. F. HOLECEK.

January 13, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 6, and same has been found to be correct.

GROENE,
BYRNE.

January 12, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 5, and same has been found to be correct.

ROGNLIEN.

The Speaker announced he was about to sign House Bill No. 71, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 46, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Sub. House Bill No. 6, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Sub. House Bill No. 5, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF STANDING COMMITTEES

January 13, 1934.

Mr. Speaker: We, your Committee on Rules, Joint Rules and Order of Business, having had under consideration motion by Besancon that Senate Bill No. 24, relating to the distribution of the profits from the Liquor Control Act, be received and considered by the House.

Respectfully report and recommend that Joint Rule No. 23, as last adopted during this Session, relating to transmission of bills, be suspended by the House and that such motion be adopted.

Respectfully submitted,
BESANCON, Chairman.

On motion of Besancon, report adopted.

Ruling by Speaker Dellwo on motion to suspend rules and admit S. B. 24.

A motion by Besancon that the rules be suspended and Senate Bill No. 24 be accepted by the House was referred to the Committee on Rules. A favorable report by the Committee on Rules and a motion by Besancon that the report be adopted resulted, where upon Love of Dawson arose to a point of order against the acceptance of a bill which covered the same matter as House Bill No. 40 which had been killed.

The Chair cited Rule 8 of the Joint Rules which provides that when a bill is passed in one House and is rejected in the other it shall not again be introduced during the session without five days notice and consent of two-thirds of the members; and ruled that since House Bill No. 40 referred to by the gentleman from Dawson was not rejected by the Senate, but was killed by the House in which it originated, that Rule 8 does not apply against the introduction of the same or a similar bill in the Senate and the acceptance of the same by the House.

The Chair further ruled that a motion to suspend the rules is required to be referred to the Committee on Rules and that if the Committee on Rules makes a favorable report thereon, the suspension can be accomplished by a majority vote, but if the Rules Committee makes an unfavorable report, on such a motion, it would then require a two-thirds vote to suspend the rules.

The motion by Besancon was put and the vote had thereon and the motion declared carried.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND READING OF SAME

The following bill was introduced under suspension of Joint Rules No. 23 as last adopted during this session, read first and second time and referred to Committee on Revenue and Taxation.

Senate Bill No. 24 introduced by Larson, Campbell and Husband.

A bill for an Act entitled: "An Act to amend Section 97, of Chapter 105, (commonly called the Liquor Control Act), of the Twenty-third Legislative Assembly in regular session assembled, relating to the allocation and distribution of net profits, derived from the administration of the law, to the state and counties."

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that the messages from the Senate be considered read at length and the Journal so show.

January 12, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on roll call, adopted the reports of the Joint Conference Committees on House Bills 71 and 80.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 12, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Bill No. 24, was this day reported correctly printed, by the Senate Committee on Printing, report adopted, and referred to General File; recommended for passage by the Senate Committee of the Whole, report adopted; on motion, considered correctly engrossed, and referred to calendar for Third Reading.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 12, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that at the request of the House, and on motion, the President pro tem of the Senate this day appointed the following Conference Committees to act with like committees from the House:

For consideration of Senate amendments to H. B. No. 42: Senators Corwin, Armstrong and Jergenson.

For consideration of Senate amendments to H. B. No. 28: Senators Himsl, Holt and Eaton.

For consideration of Senate amendments to H. B. No. 12: Senators Coburn, Melton and Reed.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 12, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day gave notice that he was about to sign, and did sign:

H. B. No. 1; H. B. No. 44; H. B. No. 57; H. B. No. 62; H. B. No. 67; H. B. No. 78.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 12, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Ruffcorn, duly seconded and carried, the Senate Taxation Committee was granted additional time in which to confer with the House Committee on Revenue and Taxation relative to Revenues of the state.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 12, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that by unanimous consent of the Senate, Senator Garber this day

introduced a Memorial to the President and Congress of the United States for the erection of a memorial building to David Thompson at Thompson Falls, Montana.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 13, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on roll call, adopted the reports of the Joint Conference Committees on House Bills 42, 51 and the amended report on H. B. No. 80.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Nelstead in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Bill No. 8 beg leave to report as follows:

That Senate Bill No. 8 be concurred in.

NELSTEAD, Chairman.

On motion of Nelstead, report adopted.

THIRD READING OF SENATE BILLS

Senate Bill No. 8 having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 90.

Noes: None.

Absent and not voting: Ballard, Blankenbaker, Ferry, Givens, Harlen, Knowles, Mason, Ralston, Setzer, Shannon, Snidow. Total 11.

The Speaker: Ninety have voted "aye"; none have voted "no"; Senate Bill No. 8 was concurred in by the House.

It was moved by Besancon, duly seconded and carried, that the House recess until 1:30 P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

MOTIONS AND RESOLUTIONS

It was moved by Replogle, duly seconded, that the House reconsider its action on the report of the special committee on State Fire Insurance.

A roll call was demanded by the required number.

The motion was lost by the following vote:

Ayes: Ballard, Beadle, Besancon, Bjorneby, Campbell, Chapman, Daugherty, Duffy, Fowler, Freudenstein, Goodwin, Hagerty, Harrington, Holecek, Kuhl, Love, McDermott, Manning, Mulholland, Nass, O'Connell, O'Shea, Parker (Flathead), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Spangler, Stephens (McCone), Sullivan, Whaley, White, Woodcock. Total 40.

Noes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Breitenstein, Byrne, Conner, Doe, Doran, Ecton, Findlater, Fitzstephens, Freed, Grabow, Green (Dawson), Groene (Fergus), Haight, Harlen, Hilger, Jensen, Larsen, Lewis, Logan, Lott, McCarvel, McElwain, Marshall, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Nelstead, Parker (Broadwater), Quamme, Roll, Shannon, Somerville, Sparling, Stevens (Wheatland), Stiefel, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Wigal, Mr. Speaker. Total 50.

Absent and not voting: Blankenbaker, Cusker, Givens, Setzer, Snidow, Total 5.

The following passed their vote: Ferry, Knowles, Kruse, Mason, Nutting, Strange. Total 6.

Mr. Speaker: Forty have voted "aye"; fifty have voted "no"; motion is lost.

REPORTS OF SELECT COMMITTEES

January 13, 1934.

Mr. President: We, your Conference Committee, having had under consideration House Bill No. 80, being a bill for an Act entitled:

"A bill for an Act entitled: 'An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana.'"

Respectfully report as follows: That the Senate recedes from its amendment to Section 1, in line 6, striking out the words and figures, "Twelve Thousand Dollars (\$12,000.00)" and that the words and figures, "Fifteen Thousand One Hundred Dollars (\$15,100.00)" be substituted therefor.

That the Senate also recedes from its amendment in Section 1, line 5, striking out the words and figures, "Six Thousand Dollars (\$6,000.00)", and substituting in lieu thereof the words and figures, "Eight Thousand Dollars (\$8,000.00)".

And that the House accedes to the Senate amendment in line 11 and 12, printed bill, by accepting the amount of \$4,500.00 instead of \$9,500.00.

And as so amended, recommend that the same be concurred in.

STAGGS,
DONOVAN,
THIEN,

For the Senate.

SHANNON,
LOGAN,
NELSTEAD,

For the House.

It was moved by Shannon, duly seconded, that the report of the Conference Committee be adopted and same was adopted by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Shannon, Somerville, Spangler, Sparling, Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker, Miller (Lincoln). Total 93.

Noes: None.

Absent and not voting: Ballard, Blankenbaker, Cusker, Givens, Love, Setzer, Snidow, Stephens (McCone). Total 8.

The Speaker: Ninety-three have voted "aye"; none have voted "no"; the report of the Conference Committee has been adopted by the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled.

Sub. No. 30. H. B. No. 65 and H. B. No. 80.

L. E. LARSEN, Chairman.

Without objection, report adopted.

January 13, 1934.

We hereby certify that we have this day received enrolled House Bill No. 65, and same has been found to be correct.

JERRY J. O'CONNELL.

January 13, 1934.

We hereby certify that we have this day received enrolled House Bill No. 80, and same has been found to be correct.

RAY N. SHANNON.

The Speaker announced he was about to sign House Bill No. 65, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 80, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF SELECT COMMITTEES

January 13, 1934.

Mr. Speaker: We, the majority of your Conference Committee, having had under consideration House Bill No. 51 entitled: "A bill for an Act entitled: 'An Act amending Section 1, and Section 4, of Chapter 174, of the Session Laws of 1933, requiring every person, firm, co-partnership, association, joint stock company, syndicate and corporation engaged in or carrying on the business of constructing, maintaining and operating telephone lines and telephone instruments within the State of Montana, to pay license taxes and providing penalties,'" wish to report that we concur to all Senate amendments.

MASON,
WATSON (of Meagher),
For the House.

COBURN,
CHURCH,
LARSEN,
For the Senate.

It was moved by Mason, duly seconded that report be adopted.

On substitute motion, it was moved by O'Connell, duly seconded and carried, that the Conference Committee on House Bill No. 51 be discharged and a new Conference Committee be appointed and like committee be requested from the Senate.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 5, 6 and 71, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 11:40 o'clock A. M., delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded and carried, that the report of the investigating committee on the dome, which had been read, be adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 13, 1934.

The Speaker,
House of Representatives,
Helena, Montana.

I have the honor to advise you that I have this day approved the following measures:

H. B. No. 71—Appropriation for purchase of materials, etc., for repairs to state capitol.

H. B. No. 80—Appropriation for this Extraordinary Session of the Legislative Assembly.

F. H. COONEY, Governor.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 65 and 80, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 2:25 o'clock P. M. delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Groene, duly seconded that the report of the Special Committee of Seven be adopted.

On substitute motion it was moved by Besancon, duly seconded, as follows:

January 13, 1934.

Mr. Speaker: I move to amend the report of the Committee of Seven, in relation to all insurance matters there mentioned, by adding the following to such report, to-wit:

Conceding that mistakes, irregularities and errors were committed by the Board of Examiners in advertising for and letting of bids, and making a complete change in the whole insurance situation, yet such mistakes, irregularities and errors, when applied to all insurance, resulted in no loss to the state. That at the present time and for future renewals the rate on all fire insurance is 60c per \$100.00, instead of 79c per \$100.00 previously paid.

Considering the depreciation in the value of all property in the past four years, some reduction in the amount of insurance carried was proper and the board seem to have acted on the best available information relative to the present values. They should be commended in their efforts to reduce insurance wherever it seems over insurance is carried.

Calling for bids in the placing of all insurance and letting the same to the lowest bidders is a more businesslike system, which we recommend should be followed in the future. This should remove favoritism and partisanship and make for better government as well as result in considerable savings.

BESANCON.

Motion was lost. Whereupon motion by Groene carried.

It was moved by Groene, duly seconded that the House reconsider its action upon the adoption of the report of the Committee of Seven. Motion was lost.

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President: We, your Conference Committee appointed to act with a like committee from the House to consider House Bill No. 42 beg leave to report and recommend as follows:

That the Senate recede from the following title amendment: "Amend in the title by inserting after the word "buildings" the words "at Great Falls, Montana" and by striking out in line 3, printed bill the words "at Boulder, Montana."

And by striking out lines 1, 2 and 3 "An Act authorizing the construction of a building or buildings for the Montana School for Deaf and Blind" and inserting in lieu thereof the following: "An Act to authorize the construction of a building or buildings at Great Falls, Montana for the Deaf and Dumb Asylum, otherwise named by the statute the Montana School for Deaf and Blind and to construct, remodel and repair buildings of the present institution."

The Senate recedes from the amendment in Section 2 which reads as follows: "Amend in Section 2 by inserting after the word "buildings" in line 4, printed bill the following: "and remodeling, and repairing the buildings now occupied by the Deaf and Blind at Boulder, Montana" and inserting in lieu thereof the following "Amend Section 2 by inserting after the word "buildings" in line 4, page 2 "and constructing, remodeling and repairing the buildings now occupied by the Deaf and Blind at Boulder, Montana. From the funds or proceeds received from the sale of said bonds \$175,000.00 thereof shall be expended in the construction of new buildings at Great Falls, Montana, and \$50,000.00 shall be expended in construction, remodeling and repairing buildings at Boulder, Montana."

If the return from bonds sold are less than \$225,000.00 the proceeds shall be used at Great Falls and Boulder in the same proportion as described in the last sentence.

PILGERAM,
BYRNE,
KNOWLES,

For the House.

ARMSTRONG,
CORWIN,
JERGENSEN,

For the Senate.

It was moved by Pilgeram, duly seconded, that the report of the conference committee on House Bill No. 42 be adopted, whereupon same was adopted by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Green (Dawson), Groene (Fergus), Haggerty, Harlen, Harrington, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pilgeram, Porter, Quamme, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Shannon, Somerville, Spangler, Sparling, Stevens (Wheatland), Stiefel, Strange, Sullivan, Ueland, Waite, Watson (Meagher), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 84.

Noes: Haight, Hilger, Lewis, Ragen, Somerville, Watson (Missoula), Trenne. Total 7.

Absent and not voting: Blankenbaker, Cusker, Freed, Givens, Goodwin, Grabow, Pierson, Setzer, Snidow, Stephens (McCone). Total 10.

The Speaker: Eighty-four have voted "aye"; seven have voted "no"; conference committee report on House Bill No. 42 was adopted by the House.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried, that the Committee of Seven be authorized additional expenditure in the amount of \$53.67.

The Speaker designated Somerville, Abrahamson and Watson of Missoula to act as conference committee on House Bill No. 51.

INTRODUCTION OF BILLS AND MEMORIALS, AND SECOND
READING OF THE SAME

The following bill was introduced by unanimous consent of the House, read first and second time and referred to the Committee on Petroleum, Oil and Gas.

House Bill No. 81 introduced by Byrne.

A bill for an Act entitled: "An Act to prohibit and prevent the waste of natural gas in the State of Montana and vesting in the Oil Conservation Board of the State of Montana, general control, regulation and supervision of the production and transportation of natural gas."

REPORTS OF STANDING COMMITTEES

January 13, 1934.

Mr. Speaker: We, your Committee on Petroleum, Oil and Gas having had under consideration House Bill No. 81, entitled:

A bill for an Act entitled: "An Act to prohibit and prevent the waste of natural gas in the State of Montana and vesting in the Oil Conservation Board of the State of Montana, general control, regulation and supervision of the production and transportation of natural gas."

Respectfully report as follows: That House Bill No. 81 do pass.

J. W. WOODCOCK, Chairman.

On motion of Woodcock report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Byrne, duly seconded and carried, that House Bill No. 81 be considered correctly printed and placed on General Orders.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Metlen in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 81 beg leave to report as follows:

That House Bill No. 81 do pass.

METLEN, Chairman.

On motion of Metlen, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Byrne, duly seconded and carried, that House Bill No. 81 be considered correctly engrossed and placed on Third Reading.

THIRD READING OF HOUSE BILLS

House Bill No. 81 having been read three several times, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzsimmons, Fowler, Freed, Grabow, Green (Dawson), Hagerty, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Reardon (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Somerville, Sparling, Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 87.

Noes: Stevens (Wheatland). Total 1.

Absent and not voting: Blankenbaker, Cusker, Freudenstein, Givens, Goodwin, Groene (Fergus), Haight, Nass, Setzer, Shannon, Snidow, Spangler, Stephens (McCone). Total 13.

The following passed their vote: Annin. Total 1.

Mr. Speaker: Eighty-seven have voted "aye"; one has voted "no"; House Bill No. 81 has passed the House.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 1:00 o'clock Sunday, January 14th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FORTY-NINTH DAY

House of Representatives,
Helena, Montana, January 14, 1934.

House convened, pursuant to adjournment, at 1:00 o'clock P. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Besancon, Blankenbaker, Byrne, Cusker, Doran, Duffy, Fowler, Givens, Groene (Fergus), Haight, Harrington, Larsen, Metlen, Nelstead, Rognlien, Setzer, Shannon, Snidow, Somerville, Stephens (McCone), Strange, Ueland, Waite, Watson (Meagher). Total 24. Excused.

Mr. Speaker: We, your Committee on Journal, have examined the Journal for the 48th legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly, and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

The Speaker announced he was about to sign Senate Joint Memorial No. 7, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Joint Memorial No. 6, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Bill No. 3, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 11:00 o'clock A. M., Monday, January 15th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FIFTIETH DAY

House of Representatives
Helena, Montana, January 15, 1934.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.
Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following:

Blankenbaker, Givens, Setzer, Snidow. Excused.

REPORTS OF SELECT COMMITTEES MAJORITY REPORT OF JOINT REVENUE COMMITTEE

Mr. President,
Mr. Speaker.

We, your joint committee, composed of the members of the Taxation Committee of the Senate and the Revenue and Taxation Committee of the House, appointed for the purpose of ascertaining the amount of money required for relief and to compromise the differences between the House and the Senate on revenue measures so as to provide the amounts necessary for relief, beg leave to report as follows:

At the first meeting of the joint committee the following motion was made by Mr. Besancon, duly seconded and carried:

"That the proceeds of the Liquor Bill (Senate Bill No. 24) be allocated as follows: One-half to the General Fund of the state and one-half to the Poor Funds of the counties to be based on the population for one year and thereafter one half to the General Funds of the counties and one-half to the General Fund of the state."

At the same meeting the following motion by Senator Sparling was made, duly seconded and carried:

"That as a basis for compromise between the House and Senate, it is the sense of this meeting that the Natural Gas tax be fixed at 5-8 of one cent per one thousand cubic feet and the Hydro-Electric tax at 3-4 of one per cent of the gross proceeds and that the contractors tax at one-half of

one per cent and the Corporation License tax at 3 per cent of the net proceeds and that the Cigarette tax bill, which was passed by the House be concurred in by the Senate."

Explanation of the purport of the above motion:

In the case of the Natural Gas tax, the Electric tax, the Contractors tax and the Corporation License tax it is a fifty-fifty compromise between the House and the Senate; in other words, if the bills are passed in accordance with the above motion, the House will meet the Senate half way.

Likewise at this meeting a motion was made, seconded and carried that a sub-committee of seven be appointed and to be composed of the chairmen, respectively, of the Taxation Committee of the Senate and the Revenue and Taxation Committee of the House and two other members each from the above committees and one additional member all to be selected by the respective chairmen for the purpose of computing the anticipated revenues of the various measures referred to in Senator Sparling's motion, to allocate these revenues and to make any other suggestions deemed advisable.

In accordance with this motion, the sub-committee was selected as follows: Speaker Dellwo, Senators Ruffcorn, Sparling and Page and Representatives Rognlien, Metlen and Fowler. After duly considering these matters in question, this sub-committee of seven made its report to the joint committee as follows:

"Mr. Chairman: I move that the figures for the various tax measures as arrived at by this sub-committee incorporated into a scheduled report by Mr. Ruffcorn and Mr. Rognlien and that this scheduled report so drawn be presented by this sub-committee to the joint committees of the House and Senate with the recommendation that the program so drawn be considered for acceptance and passage by the Legislature."

Signed:

WM. RUFFCORN,
J. T. SPARLING,
J. R. PAGE,
DELLWO,
ROGNLIEN,
FOWLER,
METLEN.

The schedule referred to accompanied the report, a summary of which is as follows:

The total new revenue as passed by the Senate to the credit of the General Fund amounts to \$134,900.

The appropriation made by this Extraordinary Session from the General Fund not including the appropriation of \$100,000. made on behalf of the Liquor Control Board, amounts to \$298,562. making an over-draft of \$163,662.

The total amount of the anticipated funds from revenue measures as passed by the Senate to be credited to the Emergency Relief Fund amounts to \$439,300.

The total amount of revenue to be credited to the Emergency Relief Fund under the compromise agreement referred to above is \$776,550, or approximately what the government requires.

It will be seen from the above that as the bills passed the Senate there is a shortage of \$310,700 to meet the requirements of the government which is \$750,000.

After fully discussing the report of the sub-committee, it was moved and seconded that the report be adopted. Motion carried by a majority of the members present.

Respectfully submitted,

W. M. RUFFCORN, Chairman.
Taxation Committee of the Senate.

I. D. ROGNLIEN, Chairman.
Revenue and Taxation Committee of the House.

MINORITY REPORT OF JOINT REVENUE COMMITTEE

Mr. President,

Mr. Speaker.

We, the undersigned, representing the minority of the joint meeting of the Taxation Committee of the Senate and of the Revenue and Taxation Committee of the House, beg leave to make the following report:

That the Chairman of the Taxation Committee of the Senate and the Chairman of the Revenue and Taxation Committee of the House presented at the joint meeting a tabulation showing their estimates of revenue from the various taxation measures now before the Legislature, together with the allocation from such revenue measures to the Emergency Relief Fund showing a total of \$439,300. That upon the basis of the said sum of \$439,300 so allocated, Director T. C. Spaulding of the Federal Emergency Relief Administration for Montana, who was requested to attend said meeting, stated that in the event the revenue measures, as now amended by the Senate and pending before the Legislature were passed and that Senate Bill No. 24 became a law so that 50% of the net profits from the liquor stores would be paid into the Emergency Relief Fund, that there would be ample money for this fund, and that he would certify to the Emergency Relief authorities at Washington that Montana had fulfilled her responsibility to the Federal Government in raising money for relief.

It is the conclusion of the minority of the committee that the estimates now made by the chairman of the Taxation Committee of the Senate and the chairman of the Revenue and Taxation Committee of the House from the revenue bills now pending before this Special Session are too low; and that the amount shown on the tabulation as presented to the committee for the Emergency Relief Fund in the sum of \$439,300 is an absolute minimum, and that the net profits to be derived from the State Liquor Store when allocated, as provided by Senate Bill No. 24, taken in conjunction with the sum of \$439,300 will be ample revenue for the Emergency Relief Fund, and that no further revenue will be needed.

GALT,
PAGE,
GARBER,
COOPER,

For the Senate.

L. E. LARSEN,
SOMERVILLE,
SHANNON,
METLEN,
NELSTEAD,
DORAN,
WAITE,

For the House.

It was moved by Rognlien, duly seconded, that the report of the majority be adopted.

On substitute motion, it was moved by Metlen, duly seconded, that the minority report be adopted. Motion was lost.

Whereupon motion by Rognlien was carried.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

AFTERNOON SESSION

House resumed. Speaker pro tem in the Chair.

January 13, 1934.

We hereby certify that we have this day received enrolled Substitute House Bill No. 30, and same has been found to be correct.

ROGNLIEN.

The Speaker pro tem announced he was about to sign Substitute House Bill No. 30, whereupon the Clerk read the title of the same and the Speaker pro tem did sign in the presence of the House.

REPORTS OF SELECT COMMITTEES

Helena, Montana, January 14, 1934.

Mr. Speaker: We, your Conference Committee, appointed to confer with a like committee from the Senate, on Senate amendments to House Bill No. 51, respectfully report as follows:

The House concurs in the Senate amendments to said House Bill No. 51:

By amending Section 1 line 9, printed bill the words and figures \$3.00 and inserting the words and figures \$2.00.

Section 1, line 16, printed bill, the words and figures \$3.00 and inserting the words and figures \$4.00.

By amending Section 2 decapitalize Section 4 beginning with line 5 to 24 inclusive of the original bill, and inserting in lieu thereof the following. Section 4 five percentum (5%) of the license checks paid to the State Treasurer under this section, and hereby appropriated and shall be set aside by him for the purpose of defraying the cost of administering this act by the State Board of Equalization. The remaining ninety-five percentum (95%) credited to the Emergency Relief Fund until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such emergency relief fund, and after the issuance of such proclamation, said ninety-five percentum (95%) of such license fee shall be by such State Treasurer credited to the General Fund of the state.

By adding a new section designated as Section 3 to read as follows: Section 3. No tax shall have attached, accrued or become due and payable under the provisions of Chapter 174 Session Laws of 1933 shall be released or waived by the passage or approval of this Section, but the same shall be paid as provided in said chapter, by the amendments by this Act, and renumber Section 3 as Section 4.

ROWLAND,
PLANK,
E. F. GALT,

For the Senate.

SOMERVILLE,
JOHN C. ABRAHAMSON,
WATSON (of Missoula).

For the House.

It was moved by Somerville, duly seconded, that report be adopted.

On substitute motion, it was moved by Besancon, duly seconded and carried, that the House defer its action on conference report on House Bill No. 51 until tomorrow morning at the opening of the session.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 14, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day, at the request of the House, and on motion, appointed the following to act as a Conference Committee with a like committee from the House, for consideration of Senate amendments to H. B. No. 51:

Senators Rowland, Plank and Galt.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 14, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Ruffcorn, duly seconded and carried the Senate did not concur in House amendments to Senate Bill No. 8 and the Senate herewith requests a Joint Conference Committee to confer on said amendments.

Thereupon, the President pro tem appointed the following Senators to act as such Conference Committee from the Senate:

Senators Ruffcorn, Burr and Holton.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 14, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Kane, duly seconded and carried, the Senate this day unanimously agreed to suspend the rules for purpose only of admitting House Bill No. 81 in the Senate; which said H. B. No. 81 was introduced, read first and second time and referred to Committee on Oil and Leases.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 14, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day signed in open session:

Senate Bill No. 3.

S. J. M. No. 6.

S. J. M. No. 7.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 14, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on enrolled bills this day reported Senate Bill No. 3 and S. J. M. Nos. 6 and 7 as correctly enrolled and duly verified, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

It was moved by Rognlien, duly seconded and carried, that copies of the majority report of the Joint Committee on Revenue and Taxation, together with the statement from Mr. Spaulding be placed on the desks of the members of the House and Senate.

It was moved by Besancon, duly seconded and carried, that conferees be appointed on House Amendments to Senate Bill No. 8.

It was moved by Besancon, duly seconded and carried, that the House Revenue and Taxation Committee be directed to continue their efforts in meeting the Senate Taxation Committee and in trying to reach compromise between the House and Senate on revenue measures.

REPORTS OF SELECT COMMITTEES

January 15, 1934.

Mr. Speaker: We, your Conference Committee, recommend that all Senate amendments to House Bill No. 42 be acceded to with the exception of this specifically set forth in the Conference Committee report heretofore adopted by the House.

PILGERAM,
BYRNE,
KNOWLES,

For the House.

JERGENSEN,
ARMSTRONG,
CORWIN,

For the Senate.

On motion of Pilgeram, duly seconded, report was adopted by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Goodwin, Grabow, Green (Dawson), Hagerty, Harlen, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Logan, Lott, McCarvel, McDermott, McElwain, Marshall, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Ueland, Waite, Watson (Missoula), Whaley, White, Wigal, Woodcock. Total 79.

Noes: Haight, Harrington, Hilger, Lewis, Trenne. Total 5.

Absent and not voting: Blankenbaker, Cusker, Freudenstein, Givens, Groene (Fergus), Love, Manning, Mason, Metlen, Moss, Roll, Setzer, Shannon, Snidow, Spangler, Watson (Meagher), Mr. Speaker. Total 17.

Mr. Speaker: Seventy-nine have voted "aye," five have voted "no"; report was adopted by the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, have examined the Journal for the Forty-ninth Legislative Day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

The Speaker Pro Tem designated Holecek of Fergus, Waite of Powder River and Nelstead of Carter to act as House Conferees on House amendments to Senate Bill No. 8.

It was moved by Besancon, duly seconded and carried, that the House recess until 4:00 o'clock P. M.

House resumed. Mr. Speaker in the Chair.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 15, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on roll call, adopted the Minority Report of the Joint Meeting of the Taxation Committee of the Senate and of the Revenue and Taxation Committee of the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 15, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that Senate Standing Committees this day reported as follows:

Committee on Oil and Leases: That H. B. No. 81 be not concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 15, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Joint Conference Committee on Senate amendments to H. B. No. 51 was this day adopted by the Senate.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 15, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 81 was this day recommended for non-concurrence by the Senate Committee on Oil and Leases, report adopted, and bill is herewith returned to the House.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Haight, duly seconded and carried, that the Chief Clerk be instructed to immediately transmit House Bill No. 46 to the Senate for concurrence.

It was moved by Roll, duly seconded and carried, that the House authorize the expenditure of \$35.00 for stenographic work for the investigation committee of five.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 11:00 o'clock A. M., Tuesday, January 16th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FIFTY-FIRST DAY

House of Representatives,
Helena, Montana, January 16, 1934.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following: Blankenbaker, Duffy, Givens, Setzer, Snidow, Stevens (Wheatland), White. Total 7.

REPORTS OF SELECT COMMITTEES

Helena, Montana, January 16, 1934.

Mr. Speaker: We, your Conference Committee, appointed to act with a like committee from the Senate, for the consideration of House amendments to Senate Bill No. 8, a bill for an Act entitled: "An Act to cede jurisdiction to the United States over the Fort Peck Dam, the body of water created by such dam, the land under such body of water, and any land now owned or which may be hereafter acquired by the United States and which shall touch such body of water, all being in the counties of Valley, Phillips, McCone, Garfield, Petroleum and Fergus, Montana, and reserving certain rights to the State of Montana," beg leave to report as follows: That the Senate accedes to the House amendments.

HOLECEK,
WAITE,
NELSTEAD,

For the House.

RUFFCORN,
HOLTON,
BURR,

For the Senate.

On motion of Holecek, report adopted.

On motion of Somerville, duly seconded, the report of the Conference Committee on House Bill No. 51, action on which was deferred yesterday, was adopted by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Doran, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed,

Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nelstead, Nutting, Parker (Flathead), Parker (Broadwater), Pierson, Quamme, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Roll, Rolph, Schuster, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Missoula), Whaley, Wigal, Woodcock, Mr. Speaker. Total 77.

Noes: Daugherty, Kruse, Kuhl, Love, Nass, O'Connell, O'Shea, Pilgeram, Ragen, Ralston, Replogle. Total 11.

Absent and not voting: Blankenbaker, Byrne, Doe, Duffy, Givens, Groene (Fergus), Larsen, Porter, Setzer, Snidow, Stevens (Wheatland), Watson (Meagher), White. Total 13.

The Speaker: Seventy-seven have voted "aye," eleven have voted "no"; report of the Conference Committee on House Bill No. 51 was adopted by the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 46 and Sub. No. 30, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 4:05 o'clock P. M., delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 15, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day adopted the report of the Joint Conference Committee on Senate amendments to House Bill No. 42.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 15, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the following motion, by Senator Kane, was this day made and adopted:

"I move that the Committee on Taxation of the Senate and the Chairman of the Committee on Finance and Claims be requested to continue to confer with the committee appointed by the House."

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

MOTIONS AND RESOLUTIONS

It was moved by Metlen, duly seconded and carried, that the House recess until 12:30.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

January 16th, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled:

H. B. No. 42.

L. E. LARSEN, Chairman.

Without objection, report adopted.

January 16th, 1934.

Mr. Speaker: We hereby certify that we have this day received Enrolled House Bill No. 42, and same has been found to be correct.

KNOWLES,
PILGERAM.

The Speaker announced he was about to sign House Bill No. 42, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

January 16th, 1934.

Mr. President, Mr. Speaker: We, your Committee on Taxation of the Senate and the Committee on Revenue and Taxation of the House, meeting in joint session for the consideration of various revenue measures, beg leave to report as follows:

That House Bill No. 28, Natural Gas Tax Bill, be amended to read $\frac{3}{8}$ of 1c per thousand cubic feet.

That House Bill No. 12, Electric Tax Bill, be amended to read $\frac{5}{8}$ of 1%.

That House Bill No. 63, Cigarette Tax Bill, be taken up by the Senate for acceptance and passage at 1c per package, the entire revenue to be derived therefrom to be placed to the Emergency Relief Fund for the period of one year, and this law shall be in effect for one year only.

That Senate Bill No. 24, Reallocation of Proceeds from Liquor Control Bill, be amended to the effect that no part of the net revenues arising from the sale of liquor shall be distributed until all stores which can legally be established shall have been established and the administration expenses shall have been paid, and that when so established, the funds shall be allocated, 50% to the Emergency Relief Fund and 50% to the General Fund to February 1st, 1935, and thereafter to be allocated, 50% to the General Fund and 50% to the counties in proportion to population.

Respectfully submitted,

W. M. RUFFCORN, Chairman,
Taxation Committee of the Senate.

I. D. ROGNLIEN, Chairman,
Revenue and Taxation Committee of the House.

On motion of Rognlien, report adopted.

REPORTS OF SELECT COMMITTEES

Helena, Montana, January 16, 1934.

Mr. Speaker: We, your Conference Committee for consideration of Senate amendments to House Bill No. 12, respectfully recommend that the Senate amendments to Section 1, lines 13 and 14, engrossed bill, which

reads "one-half of one per cent ($\frac{1}{2}$ of 1%)," be stricken out and that there be inserted in lieu of said Senate amendment the following "five-eighths of one per cent ($\frac{5}{8}$ of 1%)," and that all other Senate amendments be concurred in.

COBURN,
REED,
MELTON,

For the Senate.

FREUDENSTEIN,
HARLEN,
ROLL,

For the House.

On motion of Freudenstein Conference Committee report on Senate amendments to House Bill No. 12 was adopted by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Doe, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecck, Jensen, Knowles, Kruse, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Wigal, Watson (Meagher), Watson (Missoula), Whaley, Woodcock, Mr. Speaker. Total 91.

Noes: Daugherty, Doran, Freed, Kuhl. Total 4.

Absent and not voting: Blankenbaker, Givens, Setzer, Snidow, Stevens (Wheatland), White. Total 6.

The Speaker: Ninety-one have voted "aye," four have voted "no"; Conference Committee report on Senate amendments to House Bill No. 12 was adopted by the House.

Mr. Speaker: We, your Conference Committee, appointed to consider Senate amendments to House Bill No. 28, entitled: A bill for an Act entitled: "An Act to amend Section 2 of Chapter 180 of the Session Laws of the Twenty-third Legislative Assembly, 1933, relating to certain license fees, fixing the amount of such license fees and prescribing a method for the assessment thereof," beg leave to report as follows:

We agree to all Senate amendments save and except Senate amendments as follows:

Amend in Section 1 by striking out of the engrossed bill the words "one cent" and inserting in lieu thereof the words "one-quarter of one cent."

To this the Senate recedes and we agree that this amendment read as follows:

Amend in Section 1 by striking out of the engrossed bill the words "one cent" and inserting in lieu thereof the words "three-eighths of one cent."

Respectfully submitted,

HIMSL,
EATON,
HOLT.

For the Senate.

BREITENSTEIN,
BESANCON,
WATSON (of Meagher).
For the House.

Statement by House Conferees on House Bill No. 28. The effect of the conference of this bill is to adopt all of the minor Senate Amendments that relate to certain corrections and the distribution of the funds only, and to place a license tax at three-eighths of one cent per thousand cubic feet instead of one-fourth of one cent in the Senate Amendments.

BREITENSTEIN,
BESANCON,
WATSON (of Meagher).

On motion of Britenstein, duly seconded, conference committee report on Senate Amendments to House Bill No. 28 was adopted by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Doe, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Goodwin, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, O'Connell, Parker (Flathead), Parker (Broadwater), Pierson, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Wigal, Watson (Meagher), Watson (Missoula), Whaley, Woodcock, Mr. Speaker. Total 83.

Noes: Daugherty, Doran, Freed, Kuhl, Nutting, O'Shea, Pilgeram. Total 7.

Absent and not voting: Blankenbaker, Givens, Groene (Fergus), Metlen, Ralston, Setzer, Shannon, Snidow, Stevens (Wheatland), White, Roll. Total 11.

The Speaker: Eighty-three have voted "aye"; seven have voted "no"; Conference Committee report on Senate Amendments to House Bill No. 28 was adopted by the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bill No. 42 do hereby report that said bill, together with a copy thereof, signed by the Speaker of the House and President of the Senate, was this day, at the hour of 1:45 o'clock P. M., delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 16, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that S. J. M. No. 8 was this day read three several times and passed, title and history agreed to, and bill is herewith transmitted to the House for concurrence.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 16, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on roll call, adopted the report of the Joint Conference Committee on House amendments to Senate Bill No. 8.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 16, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that S. J. M. No. 8, by Jergensen, Duncan, Walker, Murphy, Eaton and Parkin, was this day introduced without previous notice by unanimous consent of the Senate, read first and second time and referred to Committee on Federal Relations:

S. J. M. No. 8. A Memorial to Congress, the Secretary of the Interior and the Director of Civil Works, requesting aid in the construction of a highway to the Lewis and Clark Caverns and the improvement of this National Monument.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 16, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Federal Relations, having had under consideration S. J. M. No. 8, respectfully report as follows:

That S. J. M. No. 8 be amended by striking out the word "Public" in line 23 of page 2, after the words "the director of," and inserting in lieu thereof the word "civil."

And as so amended, recommend said Memorial do pass, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 16, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration business on General File, respectfully report and recommend:

That S. J. M. No. 8 do pass.

Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

INTRODUCTION OF BILLS AND MEMORIALS AND SECOND READING OF THE SAME

The following Memorial was introduced, read first and second time and referred to the Committee on Federal Relations.

Senate Joint Memorial No. 8 introduced by Ruffcorn:

A bill for an Act entitled: "An Act to cede jurisdiction to the United States over the Fort Peck Dam, the body of water created by such dam, the land under such body of water, and any land now owned or which may be hereafter required by the United States and which shall touch such body of water, all being in the counties of Valley, Phillips, McCone, Garfield, Petroleum and Fergus, Montana, and reserving certain rights to the State of Montana."

MOTIONS AND RESOLUTIONS

The following motions, duly seconded, were made by Haight.

Mr. Speaker: I move that the House of Representatives of the Twenty-third Extraordinary Legislative Assembly of the State of Montana do proceed forthwith to cause to be done all things necessary to effect the impeachment and removal from office of Frank H. Cooney, Governor, and Samuel W. Mitchell, Secretary of State, for causes set forth in the report of the Special Investigating Committee which was adopted.

Signed: HAIGHT.

Mr. Speaker: I move that this House now go into executive session for the purpose of considering the motion for impeachment and the testimony taken by the three committees of investigation and for the further purpose of considering whether further action should be taken by the House.

HAIGHT.

On substitute motion, it was moved by Marshall, duly seconded and carried, that all motions pending be made a Special Order of Business at 1:00 o'clock P. M. tomorrow.

It was moved by Ferry, duly seconded and carried, that the Speaker appoint one member of the House as a delegate to a regional aviation conference of western states to be held at Billings, Montana, in May, 1934, for the purpose of adopting and considering uniform aviation laws, and regulations of the various western states with the understanding that such delegate travel at his own expense.

The Speaker appointed the chairman of the Committee on Aviation, Ferry, as delegate to the regional aviation conference.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 16, 1934.

The Speaker,
House of Representatives,
Helena, Montana.

I have the honor to advise you that I have this day approved the following measures:

H. B. No. 1—Relating to the registration of motor vehicles.

H. B. No. 44—Designating the Water Conservation Board as the State Planning Board.

H. B. No. 46—Regulating rate of personal income tax.

H. B. No. 57—License tax on telegraph business.

H. B. No. 62—Authorizing B. C. Dignan to file a claim for compensation for injuries.

H. B. No. 65—To permit contracts to conform to the National Industrial Recovery Act.

H. B. No. 78—Authorizing school trustees to levy special taxes.

Sub. H. B. No. 6—To permit payment of delinquent taxes in installments.

Sub. H. B. No. 30—Relating to licensing of beer.

Sub. H. B. 67—Relating to emergency relief by creation of high school districts.

H. Sub. for H. B. No. 5—Relating to tax on direct and collateral inheritances.

F. H. COONEY, Governor.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, have examined the Journal for the fiftieth legislative day of the Extraordinary Session of the Twenty-third Legislative Session and find the same to be correct.

JAMES L. DUFFY, Chairman.

Without objection, report adopted.

It was moved by Besancon, duly seconded and carried, that the House recess until 4:00 o'clock P. M.

House resumed. Mr. Speaker in the Chair.

The Speaker announced he was about to sign Senate Bill No. 8, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF STANDING COMMITTEES

January 16, 1934.

Mr. Speaker: We, your Committee on Federal Relations having had under consideration Senate Joint Memorial No. 8 entitled:

A Memorial to Congress, the Secretary of the Interior and the Director of Civil Works, requesting aid in the construction of a highway to the Lewis and Clark Caverns and the Improvement of this National Monument."

Respectfully report as follows: That S. J. M. No. 8 be concurred in.

CUSKER, Chairman.

On motion of Cusker, report adopted.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

O'Connell in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Joint Memorial No. 8 beg leave to report as follows:

That Senate Joint Memorial No. 8 be concurred in.

O'CONNELL, Chairman.

On motion of O'Connell, report adopted.

THIRD READING OF SENATE BILLS

Senate Joint Memorial No. 8 having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Freed, Freudenstein, Goodwin, Green (Dawson), Hagerty, Harlen, Harrington, Hilger, Jensen, Knowles, Kuhl, Larson, Lewis, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sullivan, Trenne, Ueland, Whaley, Wigal, Woodcock, Mr. Speaker. Watson (Missoula). Total 82.

Noes: Holecek. Total 1.

Absent and not voting: Ballard, Blankenbaker, Fowler, Givens, Grabow, Groene (Fergus), Haight, Kruse, Logan, Nutting, Roll, Setzer, Shannon, Snidow, Stevens (Wheatland), Waite, Watson (Meagher), White. Total 18.

The Speaker: Eighty-two have voted "aye"; one has voted "no"; Senate Joint Memorial No. 8 was concurred in by the House.

REPORTS OF STANDING COMMITTEES

January 16, 1934.

Mr. Speaker: We, your Committee on Revenue and Taxation, having had under consideration Senate Bill No. 24 entitled:

A bill for an Act entitled: "An Act to amend Section 97, of Chapter 105, (commonly called the Liquor Control Act), of the Twenty-third Legislative Assembly in regular session assembled, relating to the allocation and distribution of net profits, derived from the administration of the law, to the state and counties."

Respectfully report as follows: That Senate Bill No. 24 be amended as follows:

By adding between lines 10 and 11 of the original bill the words "Section 1" and by striking out in line 15 of the original bill after the word "Section" the figure "1", and inserting in lieu thereof the figures "97."

By amending Section 1 of the printed bill by striking all the paragraph beginning with the word "the" immediately after the figure "97" in line 4 and ending with the word "Montana" in line 11, and inserting in lieu thereof the following: "When all the liquor stores which can be legally established throughout the state have been established and the administration expenses shall have been paid, the net profits derived from time to time in the administration of the Act shall be allocated, 50% to the Emergency Relief Fund of the State of Montana to be administered by the Emergency Relief Commission, and the other 50% to the General Fund of the state; this to continue until February 1st, 1935; thereafter all such net profits shall be allocated, 50% to the General Fund of the state and 50% to the General Funds of the counties in the proportion that the population of each county bears to the total population of the state based on the last official U. S. census."

And as so amended, recommend that the bill be concurred in.

ROGNLIEN, Chairman.

On motion of Rognlien, report adopted.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole, for consideration of General Orders, under the rules of the previous sitting.

O'Connell in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Bill No. 24, beg leave to report as follows:

That Senate Bill No. 24 be concurred in.

O'CONNELL, Chairman.

On motion of O'Connell, report adopted.

It was moved by Besancon, duly seconded and carried, that the House pass consideration of General Orders for the day.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 11:00 A. M., Wednesday, January 17th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FIFTY-SECOND DAY

House of Representatives,
Helena, Montana, January 17, 1934.

House convened, pursuant to adjournment, at 11:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Hagen.

On roll call, all members present except the following: Blankenbaker, Givens, Setzer and Snidow, excused.

REPORTS OF SELECT COMMITTEES

It was moved by Beadle, duly seconded and carried, that the House do not concur in the Conference Committee report on House Bill No. 60 and that the committee be extended a little more time and that a Senate Conference Committee be requested to further confer for the purpose of amendment.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 16, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Special Committee from the Senate and House on revenue matters was this day, on motion, filed by the Senate.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President Pro Tem of the Senate this day, in open session, signed House Bill No. 42.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Joint Conference Committee on Senate amendments to House Bill No. 28 was this day, on roll call, adopted by the Senate.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Joint Conference Committee on Senate amendments to House Bill No. 60 was this day, on roll call, adopted by the Senate.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that, on motion, Joint Rule No. 23 was this day suspended, and H. B. No. 63 was admitted to the Senate, whereupon said H. B. No. 63 was introduced, read first and second time and referred to Committee on Taxation.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President Pro Tem of the Senate this day gave notice that he was about to sign, and did sign Senate Bill No. 8.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Enrolled Bills this day reported S. B. No. 8 correctly enrolled and duly verified, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Joint Conference Committee on Senate amendments to House Bill No. 12 was this day, on roll call, adopted by the Senate.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

THIRD READING OF SENATE BILLS

Senate Bill No. 24, introduced by Larson, Campbell and Husband, having been read three several times, history and title agreed to, was concurred in by the following vote:

Ayes: Abrahamson, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Green (Dawson), Hagerty, Harrington, Hilger, Holecek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 88.

Noes: Goodwin.

Absent and not voting: Acher, Blankenbaker, Cusker, Givens, Grabow, Groene (Fergus), Haight, Harlen, Ralston, Roll, Setzer, Snidow. Total 12.

The Speaker: Eighty-eight have voted "aye," one has voted "no"; Senate Bill No. 24 has been concurred in by the House.

It was moved by Besancon, duly seconded and carried, that the House recess until 12:45 P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

January 17, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled: House Bills Nos. 28 and 51.

LARSEN, Chairman.

Without objection, report adopted.

January 17, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 51, and same has been found to be correct.

JERRY O'CONNELL.

January 17, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 28, and same has been found to be correct.

ROGNLIEN.

The Speaker announced he was about to sign House Bill No. 51, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 28, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF SELECT COMMITTEES

Beadle offered report of Conference Committee on House Bill No. 60 and after same was read the Chair ruled as follows:

The question of the acceptance of Conference Committee reports in which the managers of such Conference Committees have exceeded their authority:

"A Conference Committee has no authority to act on any matters except those specifically referred to it, namely, the matters upon which a difference exists between the House and the Senate. In this case the only matters upon which a difference existed were Senate amendments to House Bill No. 60; therefore, the Conference Committee has no authority to make recommendations concerning the bill itself."

This ruling is amply sustained by a ruling cited in Sections 539 and 540 of Jefferson's Manual as follows:

"The managers of conferences must confine themselves to the differences committed to them and may not include subjects not within the disagreements, even though germane to a question in issue."

"In the House of Representatives the Speaker may rule out a conference report if it be shown that the managers have exceeded their authority."

This ruling is further substantiated in Cannon's Procedure, page 82, as follows:

"A conference report is subject to a point of order if the conferees have changed the text agreed to by both Houses. The Speaker may rule out a conference report if it is shown that the conferees have exceeded their authority."

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Journal, have examined the Journal for the 51st Legislative Day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the House proceed with Special Order of Business set for 1:00 o'clock.

SPECIAL ORDER OF BUSINESS

Haight asked and was granted the unanimous consent of the House, that the House consider his motion to go into Executive Session, without insisting on enforcement of House Rule No. 59.

Motion to go into Executive Session made by Haight yesterday, was read again and lost by a standing vote.

Haight withdrew his motion made yesterday for impeachment and substituted the following resolution:

RESOLUTION

House of Representatives, State of Montana
Extraordinary Session Assembled

WHEREAS, under and by virtue of a motion duly made, seconded and carried in the House of Representatives of the Twenty-third Legislative Assembly assembled in Extraordinary Session on the 29th day of Decem-

ber, 1933, a committee was appointed for the purpose of investigating into the acts and office of one Frank H. Cooney, who is now and has been since on or about the 13th day of March, 1933, qualified and acting Governor in the State of Montana; and,

WHEREAS, the committee so appointed has made inquiry as provided by said motion and has returned to this House a report of their findings of such investigation; and,

WHEREAS, the said report and other testimony and evidence has been considered and adopted by the House of Representatives of the Twenty-third Legislative Assembly in Extraordinary Session and that the same shows or tends to show that Frank H. Cooney, Governor of the State of Montana, has been and is guilty of high crime, misdemeanors or malfeasance in office.

NOW THEREFORE, be it resolved that the House of Representatives of the Twenty-third Legislative Assembly in Extraordinary Session of the State of Montana do proceed forthwith to cause to be done all things necessary to effect the impeachment and removal from office of said Frank H. Cooney, Governor.

HAIGHT.

It was moved by Haight, duly seconded, that the resolution be adopted.

On substitute motion, it was moved by Besancon, duly seconded, that the motion be indefinitely postponed. A roll call was demanded by the required number and the motion was lost by the following vote:

Ayes: Ballard, Beadle, Besancon, Bjorneby, Campbell, Conner, Cusker, Daugherty, Duffy, Ferry, Fowler, Freudenstein, Hagerty, Harrington, Holecek, Kuhl, Larsen, Love, McCarvel, McDermott, Manning, Metlen, Miles, Miller (Lincoln), Mulholland, Nass, O'Connell, O'Shea, Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Spangler, Stephens (McCone), Whaley, Wigal, Woodcock. Total 43.

Noes: Anderson, Annin, Arnold, Balgord, Breitenstein, Byrne, Chapman, Doe, Doran, Ecton, Findlater, Fitzstephens, Freed, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Haight, Harlen, Hilger, Jensen, Knowles, Kruse, Lewis, Lott, McElwain, Marshall, Mason, Miller (Big Horn), Moss, Nelstead, Nutting, Parker (Flathead), Parker (Broadwater), Quamme, Roll, Rolph, Shannon, Somerville, Sparling, Stevens (Wheatland), Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), White. Total 48.

Absent and not voting: Blankenbaker, Givens, Setzer, Snidow, Sullivan. Total 5.

The following passed their vote: Abrahamson, Acher, Logan, Stiefel, Mr. Speaker. Total 5.

The Speaker: Forty-three have voted "aye," 48 have voted "no"; motion is lost.

Haight also offered the following motion and moved that same be adopted.

RESOLUTION

House of Representatives, State of Montana, Extraordinary Session Assembled.

WHEREAS, under and by virtue of a motion duly made, seconded and carried in the House of Representatives of the Twenty-third Legislative Assembly assembled in Extraordinary Session on the 29th day of December, 1933, a committee was appointed for the purpose of investigat-

ing into the acts and office of one Sam W. Mitchell, who is now and has been since on or about the 1st day of January, 1933, the duly elected, qualified and acting Secretary of State of the State of Montana; and,

WHEREAS, the committee so appointed has made inquiry as provided by said motion and has returned to this House a report of their findings of such investigation; and,

WHEREAS, the said report and other testimony and evidence has been considered and adopted by the House of Representatives of the Twenty-third Legislative Assembly in Extraordinary Session and that the same shows or tends to show that Sam W. Mitchell, Secretary of State of the State of Montana has been and is guilty of high crime, misdemeanors or malfeasance in office,

NOW, THEREFORE, be it resolved that the House Representatives of the Twenty-third Legislative Assembly in Extraordinary Session of the State of Montana do proceed forthwith to cause to be done all things necessary to effect the impeachment and removal from office of said Sam W. Mitchell, Secretary of State.

HAIGHT.

On substitute motion, it was moved by Metlen, duly seconded and carried, that pending consideration of both resolutions offered by the gentleman from Fergus, Mr. Haight, that the transcripts, evidence and reports of the two committees be submitted to this House for consideration.

It was moved by Besancon, duly seconded and carried, that the transcripts of the evidence of the committees be read.

Whereupon the clerk began the reading of the same.

It was moved by Besancon, duly seconded and carried, that the House recess until 3:30 o'clock P. M.

House resumed. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

January 17th, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled: House Bill No. 12.

LARSEN, Chairman.

Without objection, report adopted.

January 17th, 1934.

I hereby certify that I have this day received enrolled House Bill No. 12 and same has been found to be correct.

ROGNLIEN.

The Speaker announced he was about to sign House Bill No. 12, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF SELECT COMMITTEES

January 17th, 1934.

Mr. Speaker and Mr. President:

We, your Joint Conference Committee having had under consideration House Bill No. 60 entitled: "An Act requiring all persons, co-partnerships, firms, associations, joint stock companies, syndicates and corporations engaged in, or carrying on, the business in this state of contracting, or who

shall enter into construction or improvement contracts, to pay to the State Board of Equalization certain license taxes for engaging in, carrying on, and entering into such business in this state; fixing the amount of such license taxes; providing a method for the assessment, collection and disposition thereof; and providing penalties for the violation of this Act."

Respectfully report as follows: Your said Joint Conference Committee has agreed as follows:

That the title be amended by striking out the period and the quotation marks after the word "Act" in line 12 of the engrossed bill and by inserting in lieu thereof a comma, and by adding immediately after said word "Act" the words "and repealing all Acts and parts of Act in conflict herewith."

That Sub-section (10) of Section 1 be amended by inserting after the word "person" and before the word "firm" in line 16 of the engrossed bill the word "co-partnership", followed by a comma.

That Sub-section (2) of Section 1 of the engrossed bill as amended by the Senate Amendment be stricken out entirely and that the following be inserted in lieu thereof, to-wit: "(2) the word "contractor" means and includes any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, requiring the use of paint, stone, brick, mortar, wood, cement, structural, iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, electric wiring, or other materials, or any other building material; or who shall accept or offer to accept contracts to do any grading, paving, curbing, or other work on sidewalks, streets, alleys, or highways, public or private property, using asphalt, brick, stone, cement, concrete, wood, or any composition; or who shall accept or offer to accept an order for, or contract to, excavate earth, rock, or other material for foundations or any other purpose; or who shall accept or offer to accept an order or contract to construct any sewer of stone, brick, terracotta, or other material, or who shall accept any other work which shall require labor or any other work to be done by labor other than solely by the personal labor of the person contracting to do such labor, or who shall construct or aid in the construction or improvement of any project enterprise or undertaking by contract."

That Section 2 of the engrossed bill as amended by Senate amendments be stricken out entirely and that the following be inserted in lieu thereof to-wit:

"Section 2. Every contractor shall pay to the State Board of Equalization a minimum annual license fee of \$1.00, and in addition thereto a license tax for engaging in and carrying on such business in this state of one-half of one per cent ($\frac{1}{2}$ of 1%) of the gross price or total payment received by such contractor for each and every such contract, project, enterprise or undertaking; that the license tax provided for in this Act shall apply only to contracts made and entered into from and after the date of the passage and approval of this Act and when the contract price amounts to the sum of Ten Thousand Dollars (\$10,000.00) or more. No bid on any contract to be let at public bidding shall be considered unless the number of the receipt issued to the bidder by the State Board of Equalization showing payment of the minimum annual license fee appears upon such bid, provided that where the annual license fee required under the provisions of this Act has been paid, and the license tax required by this Act has been paid on any contract made and entered into by the original contractor, no additional license tax shall be required to be paid in connection with the same contract by a sub-contractor, and provided further that this Act shall not apply to contracts let by the War Department of the United States of America."

That Section 3 of the engrossed bill as amended by Senate amendments be stricken out entirely and that the following be inserted in lieu thereof, to-wit:

"Section 3. Each contractor shall render such statements to the State Board of Equalization duly signed and sworn to, of all contracts entered into and all payments made to such contractor, done or contracted for within the State of Montana, and containing such other information, as the State Board of Equalization may require. Reports shall be rendered every three months to the State Board of Equalization and at such other times as the State Board may require. The original One Dollar (\$1.00) license fee shall be paid on or before January 1st of each year. The additional license tax shall be payable at such times and as shall be required by the rules of the State Board of Equalization. The year for which the license fee shall be required shall extend from March 1, 1934 for the year 1934, and thereafter from January 1, of each year."

That Section 10 of the engrossed bill as amended by Senate amendments be stricken out entirely and that the following be inserted in lieu thereof, to-wit:

"Section 10. Any and all expenses incurred by the State Board of Equalization in the administration of this Act shall be paid out of the funds accruing from the fees and taxes imposed by and collected under the provisions of this Act. All moneys collected under the provisions of this Act, less the expenses incurred in the administration of this Act, shall be deposited by said board with the State Treasurer who shall credit them to the Emergency Relief Fund, until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation and after deducting the expenses incurred in the administration of this Act, fifty per centum (50%) of such license fees and taxes shall be by the State Treasurer credited to the General Fund of the state, Twenty-five per centum (25%) to the Common School Equalization Fund and Twenty-five percentum (25%) to the Common School Interest and Income Fund."

That section numbered "12" of the engrossed bill be renumbered "13."

That a new section be inserted or added between Sections 11 and 13 and to be known and numbered as "Section 12" reading as follows:

"Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed."

And recommend that House Bill No. 60 as so amended be concurred in, and that this report of your said Joint Conference Committee be adopted by the Senate and House.

BEADLE,
ROGNLIEN,
FOWLER,

For the House.

SIMMONS,
SPARLING,
THIEN,

For the Senate.

Joint Conference Committee.

STATEMENT

The conference report effects the following changes: The interpretation of the word "contractor" is taken from the Virginia law and a part of the original bill.

An annual license fee of One Dollar (\$1.00) has been added to the original bill. The amount of tax is one-half of one per cent of the gross proceeds of all contracts, instead of one per cent as set out in the original bill, and the sum of \$25,000 has been reduced to the sum of \$10,000.

All expenses incurred in the administration of the Act are deducted before the distribution of the funds take place.

The distributions of the funds will be that all of the funds will be credited to the Emergency Relief Fund until such time as the Governor shall issue a proclamation that the relief program has been ended, after which the funds will be distributed as follows: 50% to the General Fund, 25% to the Common School Equalization Fund, 25% to the Common School Interest and Income Fund. Sub-contractors are exempted from a pyramid tax.

BEADLE,
ROGNLIEN,
FOWLER.

Conference Committee of the House.

On motion of Beadle, duly seconded, the report of Conference Committee on House Bill No. 60 was adopted by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Fitzstephens, Fowler, Freed, Freudenstein, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Mason, Metlen, Miles, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 85.

Noes: Goodwin.

Absent and not voting: Blankenbaker, Cusker, Findlater, Givens, Knowels, Love, Miller (Big Horn), O'Connell, Ralston, Replogle, Roll, Setzer, Shannon, Snidow. Total 14.

Passed: Marshall.

The Speaker: Eighty-five have voted "aye"; one has voted "no"; Conference Committee report on House Bill No. 60 has been adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

It was moved by Besancon, duly seconded and carried, that messages from the Senate be considered read at length and the Journal so show.

January 17, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Taxation this day, having had under consideration House Bill No. 63, respectfully recommend that same be amended as follows, in the engrossed bill:

On page 1, line 22, by striking out the words and figures, "Thirty-first (31) day of December," and inserting in lieu thereof the words, "the first day of February, 1935."

On Page 2, line 12, by striking out after the word "thousand," the word and figure "one (1)", and inserting in lieu thereof the words and figure, "one-half ($\frac{1}{2}$)"; in line 14 after the word "thousand" by striking out the word and figure, "two (2)" and inserting in lieu thereof the word and figure "one (1)"; in line 18 after the word "papers" by striking out

the words and figures "one-half cent ($\frac{1}{2}$)" and inserting in lieu thereof the words and figure, "one fourth cent ($\frac{1}{4}$)"; in line 20 after the word "papers" by striking out the word and figure "one cent (1c)" and inserting in lieu thereof the words and figure "one-half cent ($\frac{1}{2}$)"; on line 21 by striking out the first words and figure "one-half cent ($\frac{1}{2}$)", and inserting in lieu thereof the words and figure "one-fourth cent ($\frac{1}{4}$ c)"; in line 23 after the word "tubes" by striking out the words and figure, "one cent (1c)", and inserting in lieu thereof the words and figure, "one-half cent ($\frac{1}{2}$ c)".

On page 6, in line 6, by striking out the words "certain funds of the state," and inserting in lieu thereof the words "the Emergency Relief Fund."

In Section 15, line 10, by striking out the first words and figures on said line, "Forty per cent (40%)" and inserting in lieu thereof the words and figure "one hundred per cent (100%)"; in line 11, by striking out the semi-colon after the word "fund" and inserting a period thereafter, and then striking out the remainder of the Section.

Amend in Section 18, in line 26, by striking the period after the figure "1934" and adding thereafter a comma and the words, ", and shall be void from and after February first, 1935."

And as so amended, recommend said H. B. No. 63 be concurred in, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 63 was this day read three several times and concurred in as amended, title and history agreed to, and bill is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the report of the Joint Conference Committee on Senate amendments to House Bill No. 60 was this day, on roll call, adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee of the Whole this day, having had under consideration Business on General File, respectfully report and recommend as follows:

That House Bill No. 63 be concurred in. Report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the request of the House for a new Conference Committee on House Bill No. 40 was this day granted, and the President Pro Tem appointed the following Senators to act as such committee from the Senate: Senators Simmons, Sparling and Thien.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on roll call, adopted the House amendments to Senate Bill No. 24.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Watson of Meagher in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate amendments to House Bill No. 63, beg leave to report as follows:

That Senate amendments to House Bill No. 63 be concurred in.

WATSON of Meagher, Chairman.

On motion by Watson, report adopted.

THIRD READING OF HOUSE BILLS

Unanimous consent of the House was given to dispense with the reading of Senate amendments.

Senate amendments to House Bill No. 63, having been read three several times, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Bal-lard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Findlater, Fitzstephens, Freudenstein, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Harrington, Hilger, Holecek, Jensen, Larsen, Lewis, Logan, Lott, Love, Kruse, McCarvel, Manning, Marshall, Mason, Metlen, Miller (Big Horn), Miller (Lincoln), Nass, Nelstead, Nutting, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Rognlien, Rolph, Schuster, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stiefel, Strange, Sul-livan, Ueland, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Mr. Speaker. Total 76.

Noes: Doe, Ferry, Goodwin, Knowles, Kuhl, McDermott, McElwain, Miles, O'Connell, O'Shea, Replogle, Stevens (Wheatland), Trenne, White. Total 14.

Absent and not voting: Blankenbaker, Fowler, Freed, Givens, Moss, Mulholland, Ragen, Roll, Setzer, Snidow. Total 10.

Passed: Woodcock.

The Speaker: Seventy-six have voted "aye," 14 have voted "no"; Senate amendments to House Bill No. 63 have been concurred in by the House.

The Speaker announced he was about to sign Senate Bill No. 24, where-upon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign Senate Joint Memorial No. 8, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 12, 28 and 51, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 4:10 o'clock P. M., delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

It was moved by Besancon, duly seconded and carried, that the House recess until 7:30 o'clock P. M.

EVENING SESSION

House resumed. Mr. Speaker in the Chair.

The Clerk continued to read the transcripts of the committees.

INTRODUCTION OF BILLS AND MEMORIALS AND THE SECOND READING OF THE SAME

Unanimous consent was given to introduce the following appropriation bill, which was read first time and second time at length and referred to Committee on Appropriations:

House Bill No. 82, introduced by Committee on Appropriations: A bill for an Act entitled: "An Act providing for the administration and expenditure of the Emergency Relief Fund and appropriating money for the Montana Relief Commission for a period beginning January 1, 1934, and ending March 1, 1935."

REPORTS OF STANDING COMMITTEES

January 17, 1934.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 82, entitled: A bill for an Act entitled: "An Act providing for the administration and expenditure of the Emergency Relief Fund and appropriating money for the Relief Commission for a period beginning January 1, 1934, and ending March 1, 1935," respectfully report as follows: That House Bill No. 82 do pass.

SHANNON, Chairman.

On motion by Shannon, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried, that House Bill No. 82 be considered correctly printed and placed on General Orders.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Metlen in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 82, beg leave to report as follows:

That House Bill No. 82 do pass.

METLEN, Chairman.

On motion by Metlen, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried, that House Bill No. 82 be considered correctly engrossed and placed on Third Reading.

THIRD READING OF HOUSE BILLS

House Bill No. 82, introduced by the Committee on Appropriations, having been read three several times at length, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjerneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freed, Freudenstein, Goodwin, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Harlen, Harrington, Hilger, Holeccek, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miller (Big Horn), Miller (Lincoln), Mulholland, Nass, Nelstead, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Rolph, Schuster, Shannon, Somerville, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Sullivan, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 89.

Noes: None.

Absent and not voting: Blankenbaker, Givens, Haight, Love, Miles, Moss, Nutting, O'Connell, Ralston, Setzer, Snidow, Spangler. Total 12.

The Speaker: Eighty-nine have voted "aye," none have voted "no"; House Bill No. 82 has passed the House.

INTRODUCTION OF BILLS AND MEMORIALS AND THE SECOND READING OF THE SAME

Unanimous consent was given to introduce the following appropriation bill, which was read first time and second time at length and referred to Committee on Appropriations:

House Bill No. 83, introduced by the Committee on Appropriations by request: A bill for an Act entitled: "An Act to appropriate money from the General Fund for the operation and maintenance of the Governor's Mansion and office. The appropriations made by the Twenty-third Legislative Assembly having been found insufficient."

REPORTS OF STANDING COMMITTEES

January 17, 1934.

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 83, entitled: A bill for an Act entitled: "An Act to appropriate money from the General Fund for the operation and maintenance of the Governor's Mansion and office. The appropriations made by the Twenty-third Legislative Assembly having been found insufficient," respectfully report as follows: That House Bill No. 83 do pass.

SHANNON, Chairman.

On motion by Shannon, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried, that House Bill No. 83 be considered correctly printed and placed on General Orders.

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Metlen in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration House Bill No. 83, beg leave to report as follows:

That House Bill No. 83 do pass.

METLEN, Chairman.

On motion by Metlen, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Shannon, duly seconded and carried, that House Bill No. 83 be considered correctly engrossed and placed on Third Reading.

THIRD READING OF HOUSE BILLS

House Bill No. 83, introduced by the Committee on Appropriations by request, having been read three several times at length, history and title agreed to, was passed by the following vote:

Ayes: Abrahamson, Acher, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ecton, Ferry, Findlater, Fitzstephens, Fowler, Freudenstein, Grabow, Green (Dawson), Hagerty, Harlen, Harrington, Jensen, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Mulholland, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ralston, Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Somerville, Spangler, Stephens (McCone), Stiefel, Ueland, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 73.

Noes: Anderson, Goodwin, Haight, Hilger, Nass, Roll, Shannon, Sparling, Stevens (Wheatland), Strange, Trenne, Waite, Watson (Meagher). Total 13.

Absent and not voting: Blankenbaker, Doe, Freed, Givens, Groene (Fergus), Holecek, Knowles, Kruse, Moss, Ragen, Rearden (Cascade), Rolph, Setzer, Snidow, Sullivan. Total 15.

The Speaker: Seventy-three have voted "aye"; thirteen have voted "no"; House Bill No. 83 has passed the House.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND THE SENATE

January 17th, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate this day, on motion of Senator Campbell, duly seconded and carried, requests the House for the return of House Bill No. 60 for further consideration.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

It was moved by Besancon, duly seconded and carried, that the House pass consideration of the message from the Senate until tomorrow morning.

The Clerk continued to read from the transcripts of the committees.

It was moved by Besancon, duly seconded and carried, that the Clerks reading of the transcripts be suspended until tomorrow morning.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the Clerk be authorized to return the original records that are here belonging to the C. W. A. at Butte.

It was moved by Besancon, duly seconded and carried, that the Employment Committee be authorized to release and check out, as of this day, all attaches and employees of the House except those as may be required to remain to the close of the session.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock A. M., Thursday, January 18th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FIFTY-THIRD DAY

House of Representatives,
Helena, Montana, January 18, 1934.

House convened, pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Wm. Pippy.

On roll call, all members present except the following: Blankenbaker, Givens, Setzer and Snidow, excused.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the House for the fifty-second legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 17th, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day gave notice that he was about to sign, and did sign.

House Bills, 12, 28 and 51. Senate Bill 24. S. J. M. No. 8.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on enrolled bills this day report S. B. No. 24 and S. J. M. No. 8 correctly enrolled and duly verified, report adopted.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 82 was this day introduced in the Senate, read first and second time, and referred to Committee on Judiciary.

Likewise, House Bill No. 83 was this day introduced in the Senate read first and second time, and referred to Committee on Finance and Claims.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

The Clerk continued with the reading of the transcripts.

REPORTS OF STANDING COMMITTEES

January 18th, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled: House Bill No. 63.

LARSEN, Chairman.

Without objection report adopted.

January 18th, 1934.

We hereby certify that we have this day received enrolled House Bill No. 63 and same has been found to be correct.

METLEN.

The Speaker announced he was about to sign House Bill No. 63, where-upon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Clerk continued with the reading of the transcripts.

MOTIONS AND RESOLUTIONS

It was moved by Fowler, duly seconded and carried, that action on the request of the Senate made yesterday for the return of House Bill No. 60 be postponed until this afternoon and that the Speaker appoint a committee of three members to confer with the Senate committee on the same.

The Speaker designated Rognlien of Flathead, Besancon, of Missoula and Fowler of Yellowstone to act upon the above motion.

It was moved by Besancon, duly seconded and carried, that the House recess until 2:00 o'clock P. M.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

REPORTS OF SELECT COMMITTEES

Rognlien of Flathead, chairman of the committee appointed to confer with the Senate committee on the return of House Bill No. 60, reported that the committee could not affect a compromise with the Senate and that if House Bill No. 60 was returned to the Senate it would be killed.

It was moved by Metlen, duly seconded and carried, that further action on the request of the Senate with relation to House Bill No. 60 be postponed until 3:00 o'clock P. M.

The Clerk continued with the reading of the transcripts.

It was moved by Groene, duly seconded and carried, that the Clerk omit from the reading, pages 223 to 233 inclusive, as they referred to the various officers of the state keeping within their appropriations.

MOTIONS AND RESOLUTIONS

It was moved by Beadle, duly seconded and carried, that the Senate's request for the return of House Bill No. 60 be granted and that the bill be taken from the Enrolling Committee and be given to the Senate.

The Clerk continued with the reading of the transcripts.

CONSIDERATION OF MESSAGES FROM SENATE AND GOVERNOR

January 18th, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Finance and Claims this day, having had under consideration House Bill No. 83, respectfully report and recommend that same be amended as follows:

By striking out in Section 1, line 17, the words, "Three Thousand Twenty-five Dollars (\$3,025.00)", and inserting in lieu thereof the words and figures, "Two Thousand Five Hundred Dollars (\$2,500.00)".

By striking out in line 22, of Section 1, the words and figures, "One Thousand Eight Hundred Ninety Dollars (\$1890.00)", and substituting in lieu thereof the words and figures, "One Thousand Five Hundred Dollars (\$1,500.00)".

And as so amended, recommend said H. B. No. 83 be concurred in, report adopted.

The Senate Committee of the Whole recommended H. B. No. 83 be concurred in, report adopted, and bill was referred to calendar for Third Reading; was read third time and concurred in, title and history agreed to, and bill is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 18th, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on the return of House Bill No. 60 to the Senate, it was moved by Senator Campbell, duly seconded and carried, that the Senate reconsider its action of yesterday and the bill was referred to the Committee on Taxation.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

January 18th, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that House Bill No. 82 was this day recommended for concurrence by the Senate Committee on Judiciary, as amended, report adopted (Amendments attached herewith).

Committee of the Whole recommend that bill be concurred in, report adopted, and bill referred to calendar for Third Reading.

Bill was read three several times and concurred in, title and history agreed to, and bill is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Senate Committee on Judiciary Amendments to H. B. No. 82:

Amend title by adding in line 2 thereof, original bill, after the word "the" where used the second time, the word "Montana."

Amend in Section 2, by striking out in line 15 the word "Emergency", and in line 19, by striking out the period after the word "funds" and inserting a comma, and by adding: "and for providing means of employment for the unemployed."

Amend by striking out all of line 27 following the period after the word "examiners," all of lines 28, 29 and 30 of said original bill, and inserting in lieu thereof:

"The fiscal rules and regulations of the United States government, as enjoined upon the Montana Relief Commission, shall be used as the method of accounting for all funds appropriated under this Act."

Amend by striking out in Section 3, page 2, line 2, the word "emergency," and inserting in lieu thereof the word "Montana."

CONSIDERATION OF GENERAL ORDERS

It was moved by Moss, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Moss in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Amendments to House Bills Nos. 82 and 83, beg leave to report as follows:

That Senate Amendments to House Bill No. 82 be concurred in.

That Senate Amendments to House Bill No. 83 be concurred in.

MOSS, Chairman.

On motion by Moss, report adopted.

THIRD READING OF HOUSE BILLS

Unanimous consent was given to suspend reading of amendments at length.

Senate Amendments to House Bill No. 82 having been read three several times, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Arnold, Balgord, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fowler, Freed, Freudenstein, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Hilger, Holecck, Jensen, Knowles, Kruse, Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElain, Manning, Marshall, Ma-

son, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Roll, Schuster, Setzer, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 92.

Noes: None.

Absent and not voting: Ballard, Blankenbaker, Fitzstephens, Givens, Goodwin, Harrington, Rolph, Snidow, Sullivan. Total 9.

The Speaker: Ninety-two have voted "aye"; none have voted "no"; Senate Amendments to House Bill No. 82 have been concurred in by the House.

Senate Amendments to House Bill No. 83 having been read three several times, ere concurred in by the following vote:

Ayes: Abrahamson, Acher, Annin, Arnold, Balgord, Ballard, Beadle, Besancon, Bjorneby, Breitenstein, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Doran, Duffy, Ecton, Ferry, Findlater, Fowler, Freudenstein, Grabow, Green (Dawson), Hagerty, Haight, Harlen, Holecek, Jensen, Knowles, Kruse Kuhl, Larsen, Lewis, Logan, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting,, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Rolph, Schuster, Somerville, Spangler, Sparling, Stephens, (McCone), Stiefel, Ueland, Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 80.

Noes: Anderson, Byrne, Hilger, Miller (Big Horn), Roll, Setzer, Shannon, Stevens (Wheatland), Trenne, Waite, Watson (Meagher). Total 11.

Absent and not voting: Blankenbaker, Fitzstephens, Freed, Givens, Goodwin, Harrington, Snidow, Strange, Sullivan. Total 9.

Passed: 1 Groene of Fergus.

The Speaker: Eighty have voted "aye"; eleven have voted "no"; Senate Amendments to House Bill No. 83 have been concurred in by the House.

Upon objection being made, it was moved by Besancon, duly seconded and carried by a two-thirds majority, that the House now revert to Order of Business Number 6.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the reading of the testimony and other proof on the motion or resolution for the impeachment of the Governor be suspended, that consideration of the motion on resolution of the gentleman from Fergus, Mr. Haight, be made a Special Order for 8:00 P. M. of this day, that if the vote of the House is for impeachment, the House elect a committee of five managers to prepare articles of impeachment.

It was moved by Besancon, duly seconded and carried, that the House recess until 8:00 o'clock P. M.

EVENING SESSION

House resumed. Mr. Speaker in the Chair.

MOTIONS AND RESOLUTIONS

It was moved by Pilgeram, duly seconded, that the House reconsider the motion made by the gentleman from Missoula this afternoon, which was the motion to suspend the reading of the testimony. Motion was lost.

SPECIAL ORDER OF BUSINESS

Under the motion made by Besancon to take up the resolution of impeachment at 8:00 o'clock P. M., the resolution on the Impeachment of the Governor was read again and discussion was had.

Besancon was given unanimous consent to suspend the Special Order of Business until the regular order of business was taken up and disposed of.

CONSIDERATION OF MESSAGES FROM GOVERNOR
AND SENATE

January 18th, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the Senate Committee on Taxation this day, having had under consideration House Bill No. 60, recommend that said bill be amended as per the attached, and as amended, be concurred in, report adopted.

Committee of the Whole recommended that H. B. No. 60 be concurred in, report adopted, and bill was referred to calendar for Third Reading.

H. B. No. 60 was read three several times and concurred in, title and history agreed to, and bill is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

SENATE COMMITTEE ON TAXATION AMENDMENTS TO
HOUSE BILL NO. 60

Amend by striking out the amendments made by the Conference Committee and likewise all Senate Amendments made by the Committee on Taxation and the Committee of the Whole, and re-amend said bill as follows:

Amend title by striking out the period and the quotation marks after the word "Act" in line 12, engrossed bill, and inserting after a comma and the words: ", and repealing all Acts and parts of Acts in conflict herewith."

Amend Sub-section (1) of Section 1 by inserting after the word "person" and before the word "firm", in line 16, engrossed bill, the word "co-partnership."

Amend Sub-section (2) of Section 1 by striking out such sub-section and inserting in lieu thereof:

"(2) The word "contractor" means and includes any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, requiring the use of paint, stone, brick, mortar, wood, cement, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, electric wiring, or other material, or any other building material, or who shall accept or offer to accept contracts to do any grading, paving, curbing or other work on sidewalks, streets, alleys, or highways, public or private property, using asphalt, brick, stone, cement, concrete, wood, or any composition; or who shall accept or offer to accept an order or contract to construct any sewer of stone,

brick, terra cotta, or other material, or who shall accept any other work which shall require labor or any other work to be done by labor other than solely by the personal labor of the person contracting to do such labor, or who shall construct or aid in the construction or improvement of any project, enterprise or undertaking by contract.

Amend by striking out Section 2 and inserting in lieu thereof:

"Section 2. Every contractor shall pay to the State Board of Equalization for engaging in and carrying on such business in this state an annual minimum license fee of One Dollar (\$1.00) plus an additional amount based upon gross receipts, and provided further, that when the gross receipts of contractors in any one year in payment of contracts increases to the amounts hereinafter set forth, the license fee shall be increased as follows:

When the gross amounts received on all orders or contracts is more than five thousand dollars and less than ten thousand dollars, the license fee shall be fifteen dollars;

When the gross amount receipts exceed ten thousand dollars and not more than twenty thousand dollars, the license fee shall be twenty dollars;

When the gross receipts exceed twenty thousand dollars and do not exceed fifty thousand dollars, the total license fee shall be twenty-five dollars;

When the gross receipts exceed fifty thousand dollars and do not exceed one hundred thousand dollars, the total license fee shall be sixty-five dollars;

When the gross receipts exceed one hundred thousand dollars and do not exceed one hundred fifty thousand dollars, the total license fee shall be one hundred and twenty-five dollars;

When the gross receipts exceed one hundred and fifty thousand dollars and do not exceed three hundred thousand dollars, the total license fee shall be one hundred and seventy-five dollars;

When the gross receipts exceed three hundred thousand dollars and do not exceed five hundred thousand dollars, the total license fee shall be three hundred dollars;

When the gross receipts exceed five hundred thousand dollars, and do not exceed over one million dollars, the total license fee shall be three hundred and fifty dollars;

When the gross receipts are one million dollars or over, the total license fee shall be four hundred dollars.

No bid on any contract to be let at public bidding shall be considered unless the number of the receipt issued to the bidder for payment of the minimum annual license fee appears upon such bid."

Amend by striking out Section 3 and inserting in lieu thereof:

"Section 3. Each contractor shall render such statements to the State Board of Equalization duly signed and sworn to, or all contracts entered into and all payments made to such contractor, done or contracted for within the State of Montana, and containing such other information as the State Board of Equalization may require. Reports shall be rendered every three (3) months to the State Board of Equalization and at such other times as the State Board may require. The original One Dollar (\$1.00) license fee shall be paid on or before January 1st of each year. The additional license tax shall be payable at such times as shall be required by the rules of the State Board of Equalization. The year for which the license fee shall be required shall extend from March 1st, 1934, for the year 1934, and thereafter from January 1st of each year.

Amend by striking out Section 10 and inserting in lieu thereof:

"Section 10. Any and all expenses incurred by the State Board of Equalization in the administration of this Act shall be paid out of the funds accruing from the fees and taxes imposed by and collected under the provisions of this Act. All moneys collected under the provisions of this Act, less the expenses incurred in the administration of this Act, shall be deposited by said board with the State Treasurer who shall credit them to the Emergency Relief Fund, until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation and after deducting the expenses incurred in the administration of this Act, fifty per cent (50%) of such license fees and taxes shall be by the State Treasurer credited to the General Fund of the State, twenty-five percent (25%) to the Common School Equalization Fund and twenty-five percent (25%) to the Common School Interest and Income Fund."

That Section 12 of the engrossed bill be renumbered to read Section 13.

That a new Section be inserted between 11 and 13 to be known as Section 12 to read as follows:

"Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed."

CONSIDERATION OF GENERAL ORDERS

It was moved by Besancon, duly seconded and carried, that the House resolve itself into a Committee of the Whole for consideration of General Orders under the rules of the previous sitting.

Watson of Meagher in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration Senate Amendments to House Bill No. 60, beg leave to report as follows:

That Senate Amendments to House Bill No. 60 be concurred in.

WATSON of Meagher, Chairman.

On motion of Watson of Meagher, report adopted.

THIRD READING OF HOUSE BILLS

Without objection, the reading of Senate Amendments at length were dispensed with.

Senate Amendments to House Bill No. 60, having been read three several times, were concurred in by the following vote:

Ayes: Abrahamson, Acher, Anderson, Annin, Beadle, Besancon, Bjorneby, Breitenstein, Byrne, Campbell, Chapman, Conner, Cusker, Daugherty, Doe, Duffy, Ecton, Ferry, Findlater, Fowler, Freed, Freudenstein, Grabow, Green (Dawson), Groene (Fergus), Hagerty, Haight, Harlen, Hilger, Holecek, Jensen, Kruse, Kuhl, Larsen, Lewis, Lott, Love, McCarvel, McDermott, McElwain, Manning, Marshall, Mason, Metlen, Miles, Miller (Big Horn), Miller (Lincoln), Moss, Mulholland, Nass, Nelstead, Nutting, O'Connell, O'Shea, Parker (Flathead), Parker (Broadwater), Pierson, Pilgeram, Porter, Quamme, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Replogle, Rognlien, Schuster, Setzer, Shannon, Somerville, Spangler, Sparling, Stephens (McCone), Stevens (Wheatland), Stiefel, Strange, Treene, Ueland, Watson (Meagher), Watson (Missoula), Whaley, White, Wigal, Woodcock, Mr. Speaker. Total 84.

Noes: Goodwin, Logan. Total 2.

Absent and not voting: Balgord, Ballard, Blankenbaker, Doran, Fitzstephens, Givens, Harrington, Knowles, Ragen, Rolph, Snidow, Sullivan. Total 12.

Passed: Arnold, Roll, Waite. Total 3.

The Speaker: Eighty-four have voted "aye"; two have voted "no"; Senate Amendments to House Bill No. 60 have been concurred in by the House.

REPORTS OF STANDING COMMITTEES

January 18th, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled: House Bills Nos. 82 and 83.

LARSEN, Chairman.

Without objection, report adopted.

We hereby certify that we have this day received Enrolled House Bill No. 83 and same has been found to be correct.

SHANNON.

We hereby certify that we have this day received Enrolled House Bill No. 82 and same has been found to be correct.

SHANNON.

The Speaker announced he was about to sign House Bill No. 83, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

The Speaker announced he was about to sign House Bill No. 82, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

SPECIAL ORDER OF BUSINESS

Discussion on impeachment of Governor Cooney was continued, and upon roll call resolution of impeachment was not adopted by the following vote:

Ayes: Anderson, Annin, Arnold, Balgord, Breitenstein, Byrne, Campbell, Doe, Ecton, Findlater, Grabow, Green (Dawson), Groene (Fergus), Haight, Hilger, Jensen, Kruse, Lewis, Logan, Lott, McElwain, Marshall, Miller (Big Horn), Moss, Nelstead, Parker (Flathead), Quamme, Roll, Setzer, Shannon, Somerville, Sparling, Sevens (Wheatland), Stiefel, Strange, Trenne, Ueland, Waite, Watson (Meagher), Watson (Missoula), White. Total 41.

Noes: Abrahamson, Ballard, Beadle, Besancon, Bjerneby, Chapman, Conner, Cusker, Daugherty, Doran, Duffy, Ferry, Fitzstephens, Fowler, Freudenstein, Goodwin, Hagerty, Harrington, Kuhl, Larsen, Love, McCarvel, McDermott, Manning, Mason, Miles, Miller (Lincoln), Mulholland, Nass, Nutting, O'Connell, O'Shea, Parker (Broadwater), Pierson, Pilgeram, Porter, Ragen, Ralston, Rearden (Cascade), Reardon (Deer Lodge), Repogle, Rognlien, Schuster, Spangler, Stephens (McCone), Sullivan, Whaley, Wigal, Woodcock. Total 50.

Absent and not voting: Blankenbaker, Givens, Knowles, Snidow. Total 4.

Passed: Holecek, Mr. Speaker. Total 2.

Paired: Acher and Harlen, Freed and Rolph. Total 4.

The Speaker: Forty-one have voted "aye"; fifty have voted "no"; and motion to adopt resolution of impeachment is lost.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded, that the House reconsider its action on the above motion. Motion was lost.

It was moved by Besancon, duly seconded and carried, that the House now adjourn until 10:00 o'clock A. M., Friday, January 19th.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

FIFTY-FOURTH DAY

House of Representatives,
Helena, Montana, January 19, 1934.

House convened, pursuant to adjournment, at 10:00 o'clock A. M.

Mr. Speaker in the Chair.

Invocation by Reverend Senator Kemmis.

On roll call, all members present except the following: Blankenbaker, Ferry, Fitzstephens, Givens, Groene (Fergus), Harrington, Knowles, Pierson, Pilgeram, Roll, Schuster, Strange, Snidow, Sullivan, excused.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the 53rd legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the Clerk be instructed to prepare and mail, as quickly as possible, to the members, a digest of all bills.

REPORTS OF STANDING COMMITTEES

January 18th, 1934.

Mr. Speaker: We, your Committee on Employment, assigned the following positions for the post-session work:

Chief Clerk's office for the period of nine days:

Chief Clerk—John J. Jewell.

Secretary to Chief Clerk—Nellie Raw.

Stenographer—Hilda Cunningham.

Bill Clerk—Gene Murphy.

Journal for the period of nine days:

Clerk—Hilda Richeson,

Assistant Clerk—Ann Crimmins.

Typist—Elsie Folsom.

Typist—Margaret Gilbert.

Sergeant-at-arms office for a period of two days:

W. W. Crawford.

Horace Casey.

Dolores Ellers.

Janitor for two days:

George Klie.

James Kelly.

John Byrne.

Patty Holland—Assistant-assistant Sergeant-at-arms.
James Stafford—Doorman.

Signed: A. T. PORTER, Chairman.

On motion of O'Connell, report adopted.

January 18th, 1934.

Mr. Speaker: We, your Committee on Enrolling, beg leave to report the following bills correctly enrolled: House Bill No. 60.

LARSEN, Chairman.

Without objection, report adopted.

January 18, 1934.

We hereby certify that we have this day received Enrolled House Bill No. 60 and same has been found to be correct.

BEADLE.

The Speaker announced he was about to sign House Bill No. 60, whereupon the Clerk read the title of the same and the Speaker did sign in the presence of the House.

MOTIONS AND RESOLUTIONS

It was moved by Besancon, duly seconded and carried, that the Speaker appoint a committee of three members to notify his Excellency the Governor, that the House of Representatives of the Twenty-third Legislative Assembly of the State of Montana, in Extraordinary Session assembled, having completed its work, is about to adjourn sine die.

It was moved by Besancon, duly seconded and carried, that the Speaker appoint a committee of three members to notify the Honorable Senate that the House of Representatives has finished its business and is ready to adjourn sine die.

The Speaker appointed Daugherty of Fallon, Stephens of McCone and Marshall of Missoula to notify his Excellency, the Governor.

The Speaker appointed McCarvel, of Deer Lodge, Metlen of Beaverhead, and Annin of Stillwater to notify the Honorable Senate.

Metlen of Beaverhead, member of the committee appointed to notify the Honorable Senate, reported the duty performed. Committee discharged by the Speaker.

Daugherty of Fallon, chairman of the committee to notify his Excellency, the Governor, reported the duty performed and that the Governor stated that he had no further communications to make to this body. Committee discharged by the Speaker.

A committee from the Honorable Senate appeared, and the chairman informed the House of Representatives that the Senate had finished its business and was ready to adjourn sine die.

CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

January 19, 1934.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day signed in open session, House Bill No. 60.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that the President pro tem of the Senate this day signed in open session House Bills 63, 82 and 83.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Kane, duly seconded and carried, the President pro tem appointed Senators Larson, Burr, and Thien to notify the Governor that the Senate, having completed its business, was ready to adjourn sine die.

Senator Larson, chairman of the committee, reported that the committee had informed the Governor that the Senate had completed its business and was ready to adjourn sine die, and the committee was discharged.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Kane, duly seconded and carried, the President pro tem of the Senate appointed Senators Ruffcorn, Kilduff and Harris to notify the House of Representatives that the Senate, having completed its business, was ready to adjourn sine die.

Senator Ruffcorn, chairman of the committee, reported that the committee had informed the House that the Senate had completed its business and was ready to adjourn sine die. The committee was thereupon discharged.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

Mr. Speaker: I am directed by the Senate to inform your Honorable Body that on motion of Senator Cooper, duly seconded and carried, the Senate of the Extraordinary Session of the Twenty-third Legislative Assembly this day adjourned sine die at 11:26 A. M.

Respectfully,

C. J. McALLISTER,
Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bill No. 60, do hereby report that said bill, together with a copy thereof, signed by the Speaker of the House and President of the Senate, as this day, at the hour of 11:20 o'clock A. M. delivered to the Governor for his approval.

MULHOLLAND, Vice-Chairman.

Without objection, report adopted.

Mr. Speaker: We, your Committee on Journal, have examined the Journal of the fifty-fourth legislative day of the Extraordinary Session of the Twenty-third Legislative Assembly and find the same to be correct.

DUFFY, Chairman.

Without objection, report adopted.

It was moved by Besancon, duly seconded and carried, that the House of Representatives of the Twenty-third Legislative Assembly of the State of Montana, in Extraordinary Session assembled, do now stand adjourned sine die.

D. A. DELLWO,
Speaker.

ATTEST:

JOHN J. JEWELL, Chief Clerk.

